

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

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The Legislature was called to order by Chairman Holt.

The invocation was led by Pastor Arthur Ward, St. Bartholomew Episcopal Church.

The Pledge of Allegiance was led by Mr. DeBenedetti.

Item 1 – CHAIRMAN HOLT directed that Comm. 7M-5 (2004) remain on the table.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MS. MARINELLI moved the approval of the Minutes for Meeting No. 8 of 2004.  
MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MINORITY CAUCUS presented a resolution Honoring the Life of Marie V. Richardson, Former Erie County Legislator & Deputy County Executive. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. WEINSTEIN presented a resolution Recognizing Volunteers of Amherst Center for Senior Services for Their Hard Work & Dedication. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

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Item 7 – MR. WEINSTEIN presented a resolution Recognizing Rich Newberg & Mylous Hairston for Being Presented the William Wells Brown Award. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 8 – MS. CHASE presented a resolution Recognizing the Municipal Clerks in Erie County During Municipal Clerks Appreciation Week 5/2/04 – 5/8/04. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. McCARVILLE presented a resolution Recognizing Clinton (Howey) Holmes for Being Named “Citizen of the Year” by Orchard Park Chamber of Commerce. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 10 – MR. McCARVILLE presented a resolution Recognizing Repp Construction for Being Named “Business of the Year” by Orchard Park Chamber of Commerce. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 11 – MS. CHASE presented a resolution Recognizing the 150<sup>th</sup> Anniversary of Saint Martin Evangelical Lutheran Church. MR. RANZENHOFER seconded.

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

---

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 12 – MR. HOLT presented a resolution in Support for Choco-Logo. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 13 – MR. HOLT, MAJORITY CAUCUS presented a resolution Honoring U.S. Army Sergeant David M. McKeever. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 14 – MR. WROBLEWSKI presented a resolution Honoring Naval Serviceman Jason R. Zimmerman for His Role in “Operation Iraqi Freedom”. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 15 – MR. DUSZA presented a resolution Honoring Cheektowaga Residents Celebrating their 50<sup>th</sup> Anniversaries. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

---

CARRIED UNANIMOUSLY.

Item 16 – MR. HOLT presented a resolution In Memory of Alice Millsap. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 17 – MR. DUSZA presented a resolution Honoring Depew Middle School SERTOMA Winners. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 18 – MR. WROBLEWSKI presented a resolution Honoring Past Lion Club Members. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 19 – MR. WROBLEWSKI presented a resolution Honoring Buffalo Saints Hockey Team for Winning the 2004 Midget National Hockey Championship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 20 – MR. DUSZA presented a resolution Recognizing May 8<sup>th</sup> as Workers Memorial Day in Erie County. MR. RANZENHOFER seconded.

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

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CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 21 – MR. KUWIK presented a resolution Honoring Helen Drozdowski For over a Decade of Service to the Lackawanna Retired Teachers Association. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 22 – MS. MARINELLI presented a resolution Recognizing May 15<sup>th</sup> as Armed Forces Day In Erie County. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 23 – MAJORITY CAUCUS presented a resolution Honoring the Recipients of the 2004 AFL-CIO Council Appreciation Award. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 24 – CHAIRMAN HOLT directed that Local Law No. 1 (Print #2) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 25 – CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.



**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

- d. Item Page -2004 (Comm. 8E-30)  
**COUNTY EXECUTIVE:** ECSD No. 1 – Engineering Service Agreements.  
 (5-0)
- e. Item Page -2004 (Comm. 8E-31)  
**COUNTY EXECUTIVE:** ECSD No. 1 – Engineering Service Agreements – URS  
 Corporation – Change Order No.1.  
 (5-0)
2. Item Page -2003 **AS AMENDED**  
 (Comm. 20E-41)  
**COUNTY EXECUTIVE**  
 RESOLUTION NO. 169 -2004

A RESOLUTION APPROVING AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 3 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) April 22, 2004.  
 (Adopted) \_\_\_\_\_, 2004.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 3 of the County of Erie, New York, has heretofore been established and created on April 9, 1963 (the "District") to provide sewer services to the Village of Orchard Park, most of the Town of Orchard Park, and parts of the Towns of West Seneca and Hamburg; and

WHEREAS, since the 1970s extensions to the District known as the Boston Valley, Armor-McKinley, Blasdell and Holland Extensions were formed; and

WHEREAS, the District and all extensions thereof were consolidated in 2003; and

WHEREAS, the Board of Managers of Erie County Sewer District No. 3 has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of Erie County Sewer District No. 3 on December 10, 2003 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District, consisting of the reconstruction and/or replacement of approximately 24,500 linear feet of sewer, various pump station upgrades and reconstruction; and the installation and acquisition of process equipment, pumps, meters, controls, lab equipment, and plant reconstruction, as more fully described in the report and estimate of cost hereinbefore referred to; and

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$5,000,000, to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewer units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 3; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$8.00 for the Town of Hamburg, \$9.35 for the Town of Orchard Park, \$8.40 for the Town of West Seneca, \$6.40 for the Town of Holland, \$9.98 for the Town of Elma, \$9.00 for the Town of Boston, and \$8.55 for the Town of Eden; and

WHEREAS, said County Legislature duly adopted Resolution No. 76 on March 4, 2004, calling a meeting of the County Legislature for the purpose of holding a public hearing on said increase and improvement of facilities in accordance with said report and estimate of cost; and

WHEREAS, such Resolution authorized and directed the Clerk of said County Legislature to publish the notice of public hearing and file a certified copy of such notice with the office of the State Comptroller; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 2nd Floor, Part 6 in Buffalo, New York, in said County, on April 1, 2004, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published and filed in the manner provided by law and proof thereof was submitted to said County Legislature; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to proceed with the expenditure for the increase and improvement of the facilities of Erie County Sewer District No. 3, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$5,000,000.

Section 2. The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$5,000,000, to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewer units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 3.

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

Section 3. This resolution shall take effect immediately.

(5-0)

3. Item Page -2004 **AS AMENDED**  
(Comm. 7E-27)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for the French Road Area Sanitary Sewer Rehabilitation Project, Contract No. 30, on April 1, 2004,

| <u>Contract No.</u> | <u>Low Bidder</u>   | <u>Amount Bid</u> |
|---------------------|---|-------------------|
| Contract No. 30     | Intercounty Paving Associates, LLC<br>859 Willow Grove Street<br>Hackettstown, New Jersey 07840 | \$794,444.00      |

and

WHEREAS, the aforementioned bidder has been recognized as successfully performing similar work.

NOW, THEREFORE, BE IT

RESOLVED, that the French Road Area Sanitary Sewer Rehabilitation Project, Contract No. 30, be awarded to the low bidder as follows:

| <u>Contract No.</u> | <u>Low Bidder</u>   | <u>Amount Bid</u> |
|---------------------|---|-------------------|
| Contract No. 30     | Intercounty Paving Associates, LLC<br>859 Willow Grove Street<br>Hackettstown, New Jersey 07840 | \$794,444.00      |

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned low bidder subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$794,444.00 from the Sewer Capital Account of Erie County Sewer District No. I, Fund No. 430, Project 694, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to Joel A. Giambra, County Executive; two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning; and one certified copy to Nancy Naples, Erie

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

County Comptroller's Office; Gregory Dudek, Assistant County Attorney; and John S. Rizzo, Deputy Comptroller.

(5-0)

4. Item Page -2004 (Comm. 8E-15)

**COUNTY EXECUTIVE**

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA), through an agreement with the U. S. Department of Energy Rebuild America Program, has been charged with organizing community-based regional partnerships to promote energy-efficient products and services throughout New York State; and

WHEREAS, NYSERDA has identified Western New York as an initial pilot region for Rebuild and has solicited proposals from organizations to locally coordinate the Rebuild Western New York regional network; and

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) has accepted this role and successfully coordinated the Rebuild Partnership in Western New York; and

WHEREAS, through Legislative resolution (Comm. 12E-19) dated June 20, 2002, a budget was established within the ECDEP; and

WHEREAS, the current budget requires revision to maintain program continuity and to allow the County to most efficiently utilize the remaining grant resources; and

WHEREAS, the DEP has applied for and received authorization from NYSERDA to revise the existing budget; and

WHEREAS, the grant work plan for this program calls for energy education and outreach.

NOW, THEREFORE BE IT

RESOLVED that the County Executive is hereby authorized to enter into a professional services contract with Camroden Associates for energy and indoor air quality training in an amount not to exceed \$1,500; and be It further

RESOLVED, that the grant budget for the Erie County Alternative Fuel Consortium Grant Project and Rebuild Western New York Initiative (SFG #223) will be revised as follows:

**APPROPRIATIONS:**

| Account | Description              | Current Budget | Revisions | Revised Budget |
|---------|--------------------------|----------------|-----------|----------------|
| 800     | Salaries                 | \$230,181      | (\$7,000) | \$223,181      |
| 805     | Fringe Benefits          | 56,769         | 12,500    | 69,269         |
| 824     | Local Travel and Mileage | 2,000          | 0         | 2,000          |
| 825     | Out-of-Area Travel       | 10,700         | 0         | 10,700         |

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

|                       |                        |           |         |           |
|-----------------------|------------------------|-----------|---------|-----------|
| 826                   | Other                  | 8,502     | (5,500) | 3,002     |
| 830                   | Contractual Services   | 574,260   | 0       | 574,260   |
| 933                   | Equipment              | 725       | 0       | 725       |
| 880-6200              | Interfund Expenses-E&P | 19,423    | 0       | 19,423    |
| TOTAL APPROPRIATIONS: |                        | \$902,560 |         | \$902,560 |

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(5-0)

5. Item Page -2004 (Comm. 8E-25)

**COUNTY EXECUTIVE**

WHEREAS, the Board of Managers for Erie County Sewer District No. 2 has requested the creation of the position of Laboratory Technician -RPT, Job Group 7 in Erie County Sewer District No. 2; and

WHEREAS, the District requires this position to assist in the increased testing required at the plant and the Overflow Retention Facility due to the implementation of the new New York State Pollution Discharge System (SPDES) Permit; and

WHEREAS, the increased testing requirements have caused them to be performed on overtime and by higher salaried personnel.

NOW, THEREFORE, BE IT

RESOLVED, the creation of the position of Laboratory Technician -RPT, Job Group 7, is hereby authorized and approved in the 2004 Budget; and be it further

RESOLVED, that the funding for the position be taken out of the 2004 Budget, Erie County Sewer District No. 2, Unexpended Salaries; and be it further

RESOLVED, that certified copies of the approved Resolution is sent to Joel A. Giambra, County Executive; Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, the Erie County Personnel Department and the Erie County Budget Office.

(5-0)

6. Item Page -2004 (Comm. 8E-26)

**COUNTY EXECUTIVE**

WHEREAS, the County recognizes the need to properly train its employees to protect their health and well being, and to comply with applicable state and federal regulations, and

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

WHEREAS, Erie County's Division of Sewerage Management has applied for funds from the Western New York Council On Occupational Safety & Health through a New York State Department of Labor Hazard Abatement Board training grant.

NOW, THEREFORE, BE IT

RESOLVED, that the proposed agreement between the County of Erie and the Western New York Council on Occupational Safety & Health to provide health and safety training to the Division of Sewerage Management and Sewer District employees is hereby approved, and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of Environment & Planning, and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send two certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one certified copy each to Joel A. Giambra, County Executive; Joseph Passafiume, Director of Budget and Management, Nancy Naples, Erie County Comptroller, and Gregory Dudek, Assistant County Attorney.

(5-0)

7. Item Page -2004 (Comm. 8E-28)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment & Planning, Division of Sewerage Management has identified the need to retain an Engineer to develop an Engineer's Report to analyze alternatives and prepare a basis of design for the proposed Dodge Road relief sewer; and

WHEREAS, the Erie County Department of Environment & Planning, Division of Sewerage Management; Erie County Sewer District No. 5 Board of Managers; the Town of Amherst and the Town of Clarence have recommended the firm of URS Corporation, 640 Ellicott Street, Buffalo, New York 14228.

NOW, THEREFORE, BE IT

RESOLVED, that an agreement with the engineering firm of URS Corporation, at a cost not-to-exceed \$72,000 be approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with the firm of URS Corporation, 640 Ellicott Street, Buffalo, New York 14228, to provide the needed services, subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment & Planning; and be it further

RESOLVED that the Director of Budget, Management and Finance be directed to allocate funds accordingly, as follows:

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

ECSD No. 5 Capital Project Account 430-798-810 in an amount not-to-exceed \$72,000; and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, one copy to Joel A. Giambra, County Executive; Nancy Naples, County Comptroller; Joseph Passafiume, Director of Budget, Management and Finance, and Gregory Dudek, Assistant County Attorney.

(5-0)

|    |                                 |      |       |                                    |
|----|---------------------------------|------|-------|------------------------------------|
| 8. | Item                            | Page | -2004 | <b>AS AMENDED</b><br>(Comm. 8E-52) |
|    | <b>COUNTY EXECUTIVE</b>         |      |       |                                    |
|    | RESOLUTION NO. <u>170</u> -2004 |      |       |                                    |

BOND RESOLUTION DATED \_\_\_\_\_, 2004

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$5,000,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO.3; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,000,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO. 3 TO SAID COUNTY.

(Introduced) March 30, 2004  
(Adopted) \_\_\_\_\_, 2004

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law and more particularly a resolution of this County Legislature dated April 28, 2004, an increase and improvement of facilities for Sewer District No. 3 has been approved at a estimated maximum cost of \$5,000,000, and

WHEREAS, it is now desired to provide for the financing of said costs,

NOW THEREFORE BE IT

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the "Law"), and to the provisions of other laws applicable thereto, \$5,000,000 bonds of the County, or so much thereof as may be

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

necessary, are hereby authorized to be issued to finance the cost of an increase and improvement of facilities for Erie County Sewer District No. 3, all as more fully described in the report and estimate of cost approved by the Board of Managers of said District on December 10, 2003 and filed with the County Legislature. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$5,000,000. The plan of financing includes the issuance of \$5,000,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County by assessment against the benefited areas in Erie County Sewer District No.3 and the contracting communities.

Section 2. The period of probable usefulness for the specific objects or purposes for which said \$5,000,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a.4. of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$5,000,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d.3. of said Law.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

(5-0)

9. Item Page -2004 (Comm. 8E-55)

**COUNTY EXECUTIVE**

WHEREAS, The Buffalo and Erie County Botanical Gardens Society, Inc. ("Society") presents this letter of intent to the County of Erie ("County") for the purpose of outlining a proposed relationship for the ownership, governance, maintenance and operation of The Buffalo and Erie County Botanical Gardens at 2655 South Park Avenue, Buffalo, New York 14218 and the horticultural collection located there (collectively "Gardens").

The Society proposes to the County the following terms:

A. Preface

1. The Society and the County shall collaborate in the implementation of the "*Proposed Plan, A Public-Private Partnership for Ownership and Operation of the Buffalo and Erie County Botanical Gardens, March, 2003*" prepared by the Society ("Proposed Plan") which is incorporated herein by reference.

B. Ownership

1. Subject to Paragraph B.3. below, the County will continue to own the 11.4+ acres of real estate, including all improvements constructed thereon, located at 2655 South Park Avenue, Buffalo, New York 14218 ("Premises").

2. The Society will have the exclusive right to use and occupy the Premises for a term of twenty-five (25) years but only for the purpose of operating the Gardens for the education and recreation of the residents of and visitors to Erie County and the conservation of endangered plant species.
3. In order to permit the Society to attract non-governmental funding sources, to manage the collection and to fulfill the requirements of accrediting organizations such as the American Association of Museums ("AAM"), the County shall convey and the Society will own the horticultural collection with the exclusive right exercised in its sole discretion to acquire, propagate, replace, remove, substitute or eliminate specimens as best practice standards for the operation of a botanical gardens of this size and type shall indicate. The collection shall include all plantings, including lawns, whether located within or without buildings on the Premises.
4. The County shall convey and the Society shall own all equipment, supplies and other personal property (inclusive of the aforementioned horticultural collection) whether presently located on the Premises or hereafter acquired. Likewise, at the conclusion of the term hereof, the Society shall similarly convey and the County shall own all equipment, supplies and other personal property (including the then existing horticultural collection) then located on the Premises which had been originally conveyed by the County to the Society pursuant hereto together with any replacements for said equipment, supplies and other personal property then located on the Premises which had been purchased by or donated to the Society during the term hereof. It is not the intention of the parties however, that equipment, supplies and other personal property currently owned or hereafter acquired by the Society which are not replacements for equipment, supplies and personal property conveyed to the Society by the County pursuant hereto, will be conveyed to the County at the conclusion of the term hereof, provided that nothing in this sentence shall be deemed to limit the obligation of the Society to convey to the County all of the then existing horticultural collection located at the Premises at the expiration, or earlier termination, of the lease.
5. Subject to paragraph B.3 above, any capital improvements made to the Premises whether by the Society, the County or any other source, shall become part of the Premises and shall become the property of the County at the expiration or earlier termination of the Lease, free and clear of all liens and encumbrances placed by the Society or placed as a result of the Society's operations, except as otherwise may be agreed to in writing by the County during the term of the Lease.
6. At the commencement of the Lease and at least bi-annually thereafter the Society and the County shall cause there to be performed an inventory of the

personal property, equipment and capital improvements. The Society shall provide to the County an annual audit of its accounts and finances.

C. Governance

1. The Society shall at all times maintain its status in good standing as a Not-For-Profit corporation organized in the State of New York which is tax exempt in accordance with Section 501(c)(3) of the Internal Revenue Code.
2. The Erie County Executive, the County Public Works Commissioner and the County Parks Commissioner shall be ex-officio, voting members of the Board of Directors of the Society. The County Executive may annually designate an individual representative to act in his/her stead.
3. The Society shall comply with all obligations applicable to the Premises relating to its status as a "Historic Site" listed on the National Register of Historic Places and the New York State Register of Historic Places.
4. The Society shall cooperate with the County, the City of Buffalo, the City of Lackawanna, the New York State Office of Parks, Recreation and Historic Preservation and the Olmsted Conservancy with respect to the making of capital improvements to the Premises and the operations of the Gardens in order to preserve and enhance its status as a "Historic Site" within an Olmsted Park.
5. The Society shall be governed by a Board of Directors selected without regard to race, creed, religion, gender, disability or national origin but who shall reflect diverse backgrounds and talents needed to operate botanical gardens.

D. Maintenance:

1. The County shall convert the buildings located on the Premises to be "smart" buildings for the purposes of controlling and operating all HVAC systems. Until such improvements are completed and fully operational, the County shall provide at its expense qualified personnel to operate existing HVAC systems.
2. The County shall, within the limits of a series of capital budgets adopted by the County over the period from 2005 through and including 2013, fund and undertake a total of \$9 million of capital improvements to the buildings on the Premises, consistent with the Proposed Plan or as may otherwise be agreed to by the County and the Society which are necessary to operate the Gardens in a manner consistent with the standards of the AAM for accredited botanical gardens of its size and type and the Proposed Plan. Any such capital improvements made by the County shall remain the property of the County but shall be considered part of the Premises and Gardens for purposes of the Society's responsibilities under the Lease. As stated in E.6. below, the Society

shall seek contributions and grants from sources other than the County to help provide funding for the capital projects envisioned in the Proposed Plan.

3. The Society shall maintain, including daily and routine maintenance and repair the Premises in a clean and safe condition suitable for use by the Society or the public, as appropriate, in a manner consistent with its intended purpose. It is not intended that the Society's responsibility to maintain and repair the Premises shall substitute for or obviate the County's responsibilities to fund and undertake capital improvements as provided for herein.
4. The County shall provide or cause to be provided all electric service, City water service, natural gas service and/ or heating fuel oil to the Premises necessary for the operation of the Gardens without cost to the Society.

E. Operations:

1. The Society shall be solely responsible for the operation (including management) of the Gardens in a manner consistent with the standards of the AAM for accredited botanical gardens of its size and type and the Proposed Plan.
2. With the exception of D.1. above, all management and staff personnel for the operation of the Gardens shall be employees of the Society who shall be hired without regard to race, creed, religion, gender, disability or national origin.
3. The County shall be responsible for negotiating revisions to all collective bargaining agreements to which it is a party insofar as such agreements relate to County employees currently working at the Gardens or on the Premises for the purpose of transferring or making other work assignments for such employees who shall remain part of the collective bargaining units. It is the intention of the parties hereto that all personnel employed by the Society for the operation of the Gardens shall not be members of such collective bargaining units.
4. The County represents, and the Society recognizes, that the County is self-insured and that Premises and the Gardens fall within the County's self-insurance plan. Additionally, the County shall cause any and all contractors and vendors who shall perform work or services for the County, at the Gardens, for which the County requires liability insurance, to name the Society as an additional insured on such insurance policies.

To the extent permitted by State law, the County shall indemnify, hold harmless, and defend the Society from all claims, lawsuits, costs, damages, or injuries to persons or property, including those relating to pollution, hazardous waste and materials, and other conditions of the Premises as leased or as improved by the County, arising out of the contractual duties and

responsibilities of the County, except to the extent that such liability is attributable to the acts, omission, or negligence of the Society or its officers, employees, directors, agents or contractors. The Society shall at all times during the term hereof, maintain comprehensive liability, automobile liability, and excess liability insurance naming the County as an additional insured such forms and amounts as required and approved by the County Attorney. The Society shall indemnify, defend and hold harmless the County from all claims, lawsuits, costs, damages, or injuries to persons or property, including those relating to pollution, hazardous waste and materials, and other conditions of the Premises attributable to the operation or improvement of the Premises by the Society, arising out of the contractual duties and responsibilities of the Society, except to the extent that such liability is attributable to the acts, omission, or negligence of the County or its officers, employees, agents or contractors.

5. The County shall provide funding to the Society for the operation of the Gardens for a minimum term of five (5) fiscal years, in the amount of \$450,000/year. These sums payable pursuant hereto shall be exclusive of any Public Benefit Grants or Cultural Funding Grants upon which the Society is dependent to fund its operations.
6. The Society shall seek contributions and grants from other governmental sources, foundations, corporations and individuals to support the operations of the Gardens or to provide funding for the capital projects envisioned in the Proposed Plan. The Society shall have the right to name the entire, or any portion, of the Gardens, in recognition of particular contributions or grants to the Society or the Gardens. Approval of the naming of the entire Gardens shall be subject to the approval of the County Executive, which shall not be unreasonably withheld.
7. The Society may sell memberships, seek named program sponsorships, charge admission fees and undertake such other marketing and revenue generating activities to support financially the operations of the Gardens but in a manner consistent with the standards of the AAM for accredited botanical gardens of its size and type and the Proposed Plan.
8. The Society shall improve and expand its exhibits and programs adhering to the standards of the AAM for accredited botanical gardens of its size and type and the Proposed Plan. It is understood that this letter constitutes a non-binding letter of intent that expresses the wishes of the parties. Once executed, the County and the Society shall endeavor to prepare all legal documentation necessary and appropriate to effect its terms within one hundred and twenty (120) days.

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE****AS AMENDED**

10. Item Page -2004 (Intro. 8-4)

**MINORITY CAUCUS**

WHEREAS, Americans drive more than 2.6 trillion miles per year in automobiles, light trucks and SUVs, according to recent reports, and

WHEREAS, the price of gasoline in the United States has been steadily rising for the last year, and

WHEREAS, the national average for gasoline is \$1.74, up \$.08 from \$1.66 a month ago and \$.03 more than the national average of \$1.71 a year ago, and

WHEREAS, in Western New York, the current average price for gasoline is \$1.85 a gallon, and

WHEREAS, crude oil for May delivery sold for approximately \$38 per barrel this week on the New York Mercantile Exchange, which is near its highest level in 14 years, and

WHEREAS, The Department of Energy recently reported that the 8.9 million barrels of oil consumed per day for the last four weeks is roughly 4.9% higher than the same period last year, and

WHEREAS, late spring through the summer is peak travel time in the United States, which will put additional stress on the already fragile market, and

WHEREAS, unstable gasoline prices make budgeting for fuel costs extremely difficult for families and businesses, and

WHEREAS, numerous lawmakers have addressed the issue and suggested action, including: Senators Charles Schumer of New York, Barbara Boxer of California and Harry Reid of Nevada, who urged the President of the United States to release oil from the reserve, which is close to its 700 million- barrel capacity at 648 million barrels as of March 12, and

WHEREAS, the federal administration has stated that oil reserves are for national emergencies and that at this time they will not release any of oil from the petroleum reserves, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is deeply concerned about the impact that rising gas prices is having on the local economy, and be it further

RESOLVED, that this Honorable Body is supportive of any solution that will help to reduce the cost of gasoline, and be it further

RESOLVED, that this Honorable Body calls on President George W. Bush to reverse his decision, and, in the interest of stabilizing gasoline prices and supporting American consumers, to

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

follow the pattern set by his predecessors and to release petroleum from the United States Strategic Petroleum Reserve (SPR), and be it further

RESOLVED, that, in the event the President will not release any petroleum from the SPR, this Honorable Body offers its support for alternative approaches, such as suspending shipments of crude oil to the SPR to allow for more product to be available for consumption, thus facilitating lower prices for gasoline, and be it further

RESOLVED, that certified copies of this resolution be submitted to the President, Energy Secretary Spencer Abraham (U .S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C 20585), to the New York State Delegation of the United States Senate, and to the local delegation of the United States House of Representatives.

Fiscal Impact: POSITIVE FOR ERIE COUNTY RESIDENTS  
(5-0)

**RAYMOND K. DUSZA  
CHAIRMAN**

MS. MARINELLI moved to separate item #2, 8, 9 & 10 and moved the approval of the balance of the resolution. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of item #2 (Comm. 20E-41). MR. DUSZA seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 15, NOES 0).

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of item #8 (Comm. 8E-52). MR. DUSZA seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 15, NOES 0).

CARRIED UNANIMOUSLY.

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

MS. MARINELLI moved to reconsider item #9 (Comm. 8E-55). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to receive and file item #9. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend item #10 (Intro. 8-4) to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of item #10 as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 30 – MR. KUWIK presented the following resolution and moved for immediate consideration. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 171

April 22, 2004

PUBLIC SAFETY  
COMMITTEE  
REPORT NO. 5

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
  - a. Item Page -2003 (Intro. 1-1)  
**DUSZA:** Adjusting County Signs to Reflect the Naming of the Fire Training Academy Administration Building in Honor of Vernon J. Callahan.  
(5-0)
  - b. Item Page -2003 (Comm. 8E-5)  
**MARINELLI:** Copy of Letter to Congresswoman Slaughter Re: Public Safety Training.  
(5-0)

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

- c.     Item           Page                           -2004           (Comm. 7D-14)  
**SHERIFF'S OFFICE:** Comm. 4E-72 (2004) – Typographical Error.  
(5-0)

**EDWARD J. KUWIK  
CHAIRMAN**

MR. KUWIK moved the approval of the resolution. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Item 31 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

## RESOLUTION NO. 172

April 22, 2004

GOVERNMENT AFFAIRS  
COMMITTEE  
REPORT NO. 4

ALL MEMBERS PRESENT.

1.     RESOLVED, that the following items are hereby received and filed.
- a.     Item           Page                           -2003           (Comm. 24E-4)  
**COUNTY EXECUTIVE:** Declaration that Intro. 15-3 (2003) is Null & Void.  
(5-0)
- b.     Item           Page                           -2004           (Comm. 1D-4)  
**COUNTY ATTORNEY:** Copy of Letter to Legislator McCarville Re: Mid-Year Budget Transfers.  
(5-0)
- c.     Item           Page                           -2004           (Comm. 6E-37)  
**COUNTY EXECUTIVE:** Appointments to Charter Review Commission.  
(5-0)
- d.     Item           Page                           -2004           (Comm. 6E-42)  
**RANZENHOFER:** Appointment to Charter Revision Commission.  
(5-0)
- e.     Item           Page                           -2004           (Comm. 6E-43)  
**SWANICK:** Appointment to Charter Revision Commission.  
(5-0)

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

- f. Item Page -2004 (Comm. 6E-44)  
**MARSHALL:** Appointment to Charter Revision Commission.  
(5-0)
- g. Item Page -2004 (Comm. 6E-45)  
**CHASE:** Appointment to Charter Revision Commission.  
(5-0)
- h. Item Page -2004 (Comm. 6E-46)  
**WEINSTEIN:** Appointment to Charter Revision Commission.  
(5-0)
- i. Item Page -2004 (Comm. 6E-47)  
**McCARVILLE:** Appointment to Charter Revision Commission.  
(5-0)
- j. Item Page -2004 (Comm. 6E-48)  
**CUSACK:** Appointment to Charter Revision Commission.  
(5-0)
- k. Item Page -2004 (Comm. 7E-46)  
**DUSZA:** Appointment to 2004 Charter Revision Commission.  
(5-0)
- l. Item Page -2004 (Comm. 7E-47)  
**HOLT:** Appointment to 2004 Charter Revision Commission.  
(5-0)
- m. Item Page -2004 (Comm. 7E-48)  
**SCHROEDER:** Appointment to 2004 Charter Revision Commission.  
(5-0)
- n. Item Page -2004 (Comm. 7E-49)  
**HOLT:** Appointment to 2004 Charter Revision Commission.  
(5-0)
- o. Item Page -2004 (Comm. 7E-50)  
**MARINELLI:** Appointment to 2004 Charter Revision Commission.  
(5-0)
- p. Item Page -2004 (Comm. 7E-53)  
**SMITH:** Appointment to Charter Review Commission.  
(5-0)

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

- q.     Item           Page                           -2004           (Comm. 7E-55)  
**COUNTY CLERK:** Appointment to Charter Review Commission.  
(5-0)
- r.     Item           Page                           -2004           (Comm. 7M-13)  
**CYNTHIA DEMSKI:** Request for Retroactive Pay for Services Provided by County Employee.  
(5-0)
- s.     Item           Page                           -2004           (Comm. 8D-5)  
**COUNTY ATTORNEY:** Process for Filing Quarterly Reports Re: County Funds Provided for Indigent Defense.  
(5-0)
- t.     Item           Page                           -2004           (Comm. 8E-9)  
**CLERK:** 2003 Annual Report.  
(5-0)
- u.     Item           Page                           -2004           (Comm. 8E-49)  
**DEBENEDETTI:** Appointment to Charter Revision Commission.  
(5-0)
2.     Item           Page                           -2004           (Intro. 7-15)  
**HOLT & MARINELLI**  
WHEREAS, New York State Assemblyman Sam Hoyt has recently introduced legislation "to establish a regional plan and strategy for Erie County," entitled the "Erie County Compact Act" and

WHEREAS, that legislation is an effort to encourage local governments in Erie County to cooperate and coordinate regarding issues that affect all of them, and

WHEREAS, under the Compact, local government participants would develop a regional corporation and create a regional plan to establish a unified economic development plan for Erie County, "integrate land use and transportation planning development ... to facilitate regional growth in a sustainable and equitable way," and to address housing and community development, among others, and

WHEREAS, other areas to be addressed through the Compact would include expedited environmental review for development through the Compact process, and limited liability for brownfield sites to hasten their redevelopment, and

WHEREAS, under the Compact, incentives would be provided to those local governments that voluntarily elect to participate by affirmative votes of their local legislative bodies, and

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

WHEREAS, noted regionalism expert David Rusk has called the Hoyt proposal "a bold, innovative, and exciting legislative initiative" and stated that the Compact could "be a model for breaking the intergovernmental paralysis in many areas of New York," and

WHEREAS, this approach may be a way of meeting our common challenges and reaching our common goals in a united way that allows government to work better and cost less for the residents and taxpayers of the region, and

WHEREAS, it also seeks to recognize and preserve the history, character, and integrity of individual communities by forging together on intergovernmental cooperation,

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body expresses its support for voluntary, inclusive, bottom-up measures such as and including the Compact, that foster intermunicipal cooperation and coordination, and provide for enhanced public services at lower cost and with the support of the communities being served, and be it further

RESOLVED, that the Erie County Legislature hereby expresses its intention to engage in a thorough discussion of this proposal in the Legislature's Government Affairs Committee, including invited speakers, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the local delegation of the New York State Assembly and Senate, and Governor Pataki.

Fiscal Impact: None for the resolution.  
(5-0)

**LYNN M. MARINELLI  
CHAIRPERSON**

MS. MARINELLI moved the approval of the resolution. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

Item 32 – MR. DEBENEDETTI presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 173

April 22, 2004

FINANCE & MANAGEMENT  
COMMITTEE  
REPORT NO. 6

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
- |      |      |       |               |
|------|------|-------|---------------|
| Item | Page | -2003 | (Comm. 9E-14) |
|------|------|-------|---------------|
- a. **KUWIK:** Copy of Letter to Mayor of City of Lackawanna Re: Snowplowing.  
(5-0)
- |      |      |       |               |
|------|------|-------|---------------|
| Item | Page | -2003 | (Comm. 9E-21) |
|------|------|-------|---------------|
- b. **HOLT:** Copy of Letter to Budget Director Re: Tobacco Settlement Proceeds.  
(5-0)
- |      |      |       |               |
|------|------|-------|---------------|
| Item | Page | -2003 | (Comm. 9E-22) |
|------|------|-------|---------------|
- c. **HOLT:** Copy of Letter to Budget Director Re: Sale of Tax Liens to NYS.  
(5-0)
- |      |      |       |                |
|------|------|-------|----------------|
| Item | Page | -2003 | (Comm. 20E-14) |
|------|------|-------|----------------|
- d. **DEBENEDETTI:** Copy of Letter to Budget Director Re: Tobacco Securitization.  
(5-0)
- |      |      |       |               |
|------|------|-------|---------------|
| Item | Page | -2003 | (Comm. 25E-3) |
|------|------|-------|---------------|
- e. **DEBENEDETTI:** Copy of Letter to County Attorney Re: Risk Retention Fund.  
(5-0)
- |      |      |       |               |
|------|------|-------|---------------|
| Item | Page | -2004 | (Comm. 4D-11) |
|------|------|-------|---------------|
- f. **COUNTY ATTORNEY:** Letter to Legislator DeBenedetti Re: Response to Questions Regarding EC Risk Retention Fund.  
(5-0)
- |      |      |       |               |
|------|------|-------|---------------|
| Item | Page | -2004 | (Intro. 6-21) |
|------|------|-------|---------------|
- g. **HOLT, MAJORITY CAUCUS:** Appointment of Commissioner of Social Services.  
(5-0)
- |      |      |       |               |
|------|------|-------|---------------|
| Item | Page | -2004 | (Comm. 8D-15) |
|------|------|-------|---------------|
- h. **BUDGET, MANAGEMENT & FINANCE:** Parks – Report of Unauthorized Use of Erie County’s Sales Tax Exempt Status.  
(5-0)
- |      |      |       |              |
|------|------|-------|--------------|
| Item | Page | -2004 | (Comm. 8E-6) |
|------|------|-------|--------------|
- i. **DEBENEDETTI:** Letter to County Attorney Re: Status of a Position in the Social Services Department.  
(5-0)
- |      |      |      |       |                                    |
|------|------|------|-------|------------------------------------|
| 2 a. | Item | Page | -2004 | <b>AS AMENDED</b><br>(Comm. 1D-21) |
|------|------|------|-------|------------------------------------|

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE****DIRECTOR OF BUDGET, MANAGEMENT & FINANCE**

WHEREAS, the Erie County Director of Real property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556, and

WHEREAS, the Director has investigate the validity of such applications (see attached listing)

NOW THEREFORE, BE IT

RESOLVED, that petitions numbered 204138 through 204181 inclusive be hereby approved based upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

**FISCAL YEAR 2002                      Petition No.                      204138**

**ASSESSOR                      Cancel                      \$19,267.16**  
**S-B-L 141.51-3-1.1                      140900 LACKAWANNA**

|                           |                          |               |                         |
|---------------------------|--------------------------|---------------|-------------------------|
|                           | Acct. No. 112            | \$19,267.16   | County                  |
|                           | Acct. No. 132            | \$0.00        | Town/SpecialDist/School |
| <b><u>Charge To :</u></b> | <b>140900 LACKAWANNA</b> | <b>\$0.00</b> |                         |

CANCEL - CLERICAL ERROR, EXEMPTION FOR MUNICIPAL HOUSING (18080) WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

**FISCAL YEAR 2003                      Petition No.                      204139**

**ASSESSOR                      Cancel                      \$168.95**  
**S-B-L 56.11-6-22                      142289 AMHERST**

|                           |                       |                |                         |
|---------------------------|-----------------------|----------------|-------------------------|
|                           | Acct. No. 112         | \$77.93        | County                  |
|                           | Acct. No. 132         | \$91.02        | Town/SpecialDist/School |
| <b><u>Charge To :</u></b> | <b>142289 AMHERST</b> | <b>\$91.02</b> |                         |

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 17,160 (20%) WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C  
 CHECK IN FAVOR OF: WM & RITA HUFF

**FISCAL YEAR 2003                      Petition No.                      204140**

MEETING NO. 9

April 28, 2004

ERIE COUNTY LEGISLATURE

ASSESSOR            **Refund**            \$111.95**S-B-L** 56.11-6-22**142289 AMHERST**Acct. No. 112            \$0.00    County  
Acct. No. 132            \$111.95    Town/SpecialDist/School**Charge To :****142289 AMHERST            \$111.95**  
**Relevy School            \$111.95    142203 WILLIAMSVILLE CENT**REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF  
5,720 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C  
CHECK IN FAVOR OF: WM & RITA RUFF**FISCAL YEAR** 2003            Petition No.            **204141**ASSESSOR            **Refund**            \$67.94**S-B-L** 165.13-4-15**142289 AURORA**Acct. No. 112            \$43.25    County  
Acct. No. 132            \$24.69    Town/SpecialDist/School**Charge To :****142289 AURORA            \$24.69**REFUND - CLERICAL ERROR, THE COMBAT VET EXEMPTION IN THE AMOUNT OF  
5,300 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C  
CHECK FOR: FLORIAN & ALICE GASZEWSKI**FISCAL YEAR** 2002            Petition No.            **204142**ASSESSOR            **Refund**            \$68.99**S-B-L** 165.13-4-15**142289 AURORA**Acct. No. 112            \$44.96    County  
Acct. No. 132            \$24.03    Town/SpecialDist/School**Charge To :****142289 AURORA            \$24.03**REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF  
5,300 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C  
CHECK FOR: FLORIAN & ALICE GASZEWSKI**FISCAL YEAR** 2004            Petition No.            **204143**ASSESSOR            **Cancel**            \$67.47

MEETING NO. 9

April 28, 2004ERIE COUNTY LEGISLATURE

S-B-L 165.13-4-15

**142289 AURORA**

|               |         |                         |
|---------------|---------|-------------------------|
| Acct. No. 112 | \$44.03 | County                  |
| Acct. No. 132 | \$23.44 | Town/SpecialDist/School |

**Charge To :                    142289 AURORA                    \$23.44**

REFUND - CLERICAL ERROR, THE COMBAT VETERAN EXEMPTION IN THE AMOUNT OF 5,300 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

CHECK FOR: FLORIAN &amp; ALICE GASZEWSKI

FISCAL YEAR 2003                    Petition No.                    **204144**

|          |               |          |
|----------|---------------|----------|
| ASSESSOR | <b>Cancel</b> | \$420.67 |
|----------|---------------|----------|

S-B-L 174.00-2-9

**142289 AURORA**

|               |          |                         |
|---------------|----------|-------------------------|
| Acct. No. 112 | \$268.24 | County                  |
| Acct. No. 132 | \$152.43 | Town/SpecialDist/School |

24020 AURORA # 1 FIRE PROTECTION                    \$30.87

**Charge To :                    142289 AURORA                    \$121.56**

CANCEL - CLERICAL ERROR, PARCEL WAS SEIZED BY THE US GOVERNMENT ON OCTOBER, 2002. THIS PARCEL IS EXEMPT. RPTL 550(7)A

FISCAL YEAR                    Petition No.                    **204145**

|          |               |            |
|----------|---------------|------------|
| ASSESSOR | <b>Cancel</b> | \$3,601.29 |
|----------|---------------|------------|

S-B-L 174.00-2-10

**142289 AURORA**

|               |            |                         |
|---------------|------------|-------------------------|
| Acct. No. 112 | \$1,958.57 | County                  |
| Acct. No. 132 | \$1,642.72 | Town/SpecialDist/School |

24020 AURORA # 1 FIRE PROTECTION                    \$310.02

**Charge To :                    142289 AURORA                    \$1,332.70**

CANCEL - CLERICAL ERROR, PARCEL WAS SEIZED BY THE US GOVERNMENT ON OCTOBER, 2002. PARCEL IS EXEMPT FROM TAXES. RPTL 550(7)A

FISCAL YEAR 2003                    Petition No.                    **204146**

|          |               |            |
|----------|---------------|------------|
| ASSESSOR | <b>Refund</b> | \$9,051.56 |
|----------|---------------|------------|

MEETING NO. 9

April 28, 2004ERIE COUNTY LEGISLATURE

S-B-L 211.00-3-21

**142600 BOSTON**

|               |            |                         |
|---------------|------------|-------------------------|
| Acct. No. 112 | \$0.00     | County                  |
| Acct. No. 132 | \$9,051.56 | Town/SpecialDist/School |

**Charge To :                    142600 BOSTON                    \$9,051.56**

REFUND - CLERICAL ERROR, THIS DISTRICT WAS ADDED IN ERROR. THE WATER DIST USED WAS 260358. RPTL 550(2)E

FISCAL YEAR 2004                    Petition No.                    **204147**ASSESSOR                    **Refund**                    \$253.27

S-B-L 91.18-15-6

**143089 CHEEKTOWAGA**

|               |          |                         |
|---------------|----------|-------------------------|
| Acct. No. 112 | \$91.51  | County                  |
| Acct. No. 132 | \$161.76 | Town/SpecialDist/School |

**Charge To :                    143089 CHEEKTOWAGA                    \$161.76**

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 12,650 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C  
CHECK FOR: LEONARD MARCINIAK

FISCAL YEAR 2003                    Petition No.                    **204148**ASSESSOR                    **Refund**                    \$497.03

S-B-L 113.15-3-3.111/20

**143089 CHEEKTOWAGA**

|               |          |                         |
|---------------|----------|-------------------------|
| Acct. No. 112 | \$0.00   | County                  |
| Acct. No. 132 | \$497.03 | Town/SpecialDist/School |

41854 BASIC STAR EXEMPTION                    \$497.03

**Charge To :                    143089 CHEEKTOWAGA                    \$0.00**

REFUND - CLERICAL ERROR, THE BASIC STAR 19,500 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C    CHEEKTOWAGA CENTRAL  
CHECK FOR: CONSTANCE CHOJNACKI

FISCAL YEAR 2004                    Petition No.                    **204149**ASSESSOR                    **Cancel**                    \$798.90

S-B-L 335.18-1-3.2

**143889 CONCORD**

MEETING NO. 9  
 April 28, 2004

**ERIE COUNTY LEGISLATURE**

|                           |                       |          |                         |
|---------------------------|-----------------------|----------|-------------------------|
|                           | Acct. No. 112         | \$619.32 | County                  |
|                           | Acct. No. 132         | \$179.58 | Town/SpecialDist/School |
| <b><u>Charge To :</u></b> | <b>143889 CONCORD</b> |          | <b>\$179.58</b>         |

FISCAL YEAR 2004                      Petition No.                      **204150**

ASSESSOR                      **Cancel**                      \$107.00

S-B-L 222.00-2-1.21                      **144000 EDEN**

|                           |                    |          |                         |
|---------------------------|--------------------|----------|-------------------------|
|                           | Acct. No. 112      | \$0.00   | County                  |
|                           | Acct. No. 132      | \$107.00 | Town/SpecialDist/School |
| <b><u>Charge To :</u></b> | <b>144000 EDEN</b> |          | <b>\$107.00</b>         |

CANCEL - CLERICAL ERROR, THIS PARCEL IS VACANT LAND AND SHOULD NOT HAVE BEEN CHARGED FOR THE GARBAGE. RPTL 550(2)E

FISCAL YEAR 2004                      Petition No.                      **204151**

ASSESSOR                      **Cancel**                      \$201.26

S-B-L 223.00-3-22                      **144000 EDEN**

|                           |                    |          |                         |
|---------------------------|--------------------|----------|-------------------------|
|                           | Acct. No. 112      | \$105.75 | County                  |
|                           | Acct. No. 132      | \$95.51  | Town/SpecialDist/School |
| <b><u>Charge To :</u></b> | <b>144000 EDEN</b> |          | <b>\$95.51</b>          |

CANCEL - CLERICAL ERROR, THE TEMPORARY GREEN HOUSE EXEMPTION WAS OMITTED FROM THE TAX ROLL IN THE AMOUNT OF 19,860. RPTL 550(2)C

FISCAL YEAR 2004                      Petition No.                      **204152**

ASSESSOR                      **Cancel**                      \$880.64

S-B-L 223.19-1-6                      **144000 EDEN**

|                           |                    |          |                         |
|---------------------------|--------------------|----------|-------------------------|
|                           | Acct. No. 112      | \$455.78 | County                  |
|                           | Acct. No. 132      | \$424.86 | Town/SpecialDist/School |
| <b><u>Charge To :</u></b> | <b>144000 EDEN</b> |          | <b>\$424.86</b>         |

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION WAS OMITTED FROM THE TAX ROLL IN ERROR IN THE AMOUNT OF 85,600. RPTL 550(2)C

**FISCAL YEAR** 2004                      Petition No.                      **204154**

ASSESSOR                      **Cancel**                      \$143.96

**S-B-L** 253.00-2-10                      **144000 EDEN**

Acct. No. 112                      \$74.53      County  
Acct. No. 132                      \$69.43      Town/SpecialDist/School

**Charge To :**                      **144000 EDEN**                      **\$69.43**

CANCEL - CLERICAL ERROR, THE TEMPORARY GREENHOUSE EXEMPTION IN THE AMOUNT OF 14,000 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C

**FISCAL YEAR** 2004                      Petition No.                      **204155**

ASSESSOR                      **Cancel**                      \$169.74

**S-B-L** 254.00-3-33                      **144000 EDEN**

Acct. No. 112                      \$87.86      County  
Acct. No. 132                      \$81.88      Town/SpecialDist/School

**Charge To :**                      **144000 EDEN**                      **\$81.88**

CANCEL - CLERICAL ERROR, THE WAR VETERAN'S EXEMPTION IN THE AMOUNT OF 16,500 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C

**FISCAL YEAR** 2004                      Petition No.                      **204156**

ASSESSOR                      **Cancel**                      \$21.35

**S-B-L** 145.01-5-35                      **144200 ELMA**

Acct. No. 112                      \$14.99      County  
Acct. No. 132                      \$6.36      Town/SpecialDist/School

42021 SPRINGBROOK FIRE PROTECT                      \$4.34  
**Charge To :**                      **144200 ELMA**                      **\$2.02**

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSED VALUE WAS 1000 SHOULD BE 800.  
RPTL 550(2)A

**FISCAL YEAR 2004**                      Petition No.                      **204157**

ASSESSOR                      **Cancel**                      \$138.50

**S-B-L** 220.00-3-11.2                      **144489 EVANS**

Acct. No. 112                      \$0.00      County  
Acct. No. 132                      \$138.50      Town/SpecialDist/School

**Charge To :**                      **144489 EVANS**                      **\$138.50**

CANCEL - CLERICAL ERROR, THIS PROPERTY IS VACANT LAND AND SHOULD NOT BE CHARGED FOR GARBAGE TAX. RPTL 550(2)E

**FISCAL YEAR 2004**                      Petition No.                      **204158**

ASSESSOR                      **Cancel**                      \$789.71

**S-B-L** 151.20-1-5                      **144889 HAMBURG**

Acct. No. 112                      \$0.00      County  
Acct. No. 132                      \$789.71      Town/SpecialDist/School

48178 EC#3 BLASDELL                      \$258.71  
48179 EC#3 BLASDELL                      \$531.00

**Charge To :**                      **144889 HAMBURG**                      **\$0.00**

CANCEL - CLERICAL ERROR, ECSO OWNS THIS PROPERTY AND DOES NOT PAY TAXES TO ITSELF . IT IS EXEMPT. RPTL 550(2)C

**FISCAL YEAR**                      Petition No.                      **204159**

**Cancel**

**S-B-L**

Acct. No. 112                      \$0.00      County  
Acct. No. 132                                           Town/SpecialDist/School

54065 WATER DIST #4                      \$202.58  
54065 WATER DIST #4                      \$202.58  
54066 WATER DIST #4                      \$11.64

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

54066 WATER DIST #4 \$11.64  
**Charge To :** 145400 MARILLA \$214.22

CANCEL - CLERICAL ERROR, AGRICULTURAL DISTRICT SHOULD NOT BE CHARGED FOR WATER DISTRICT TAX. RPTL 550(2)E

**FISCAL YEAR** 2004      Petition No.      **204160**

ASSESSOR      **Cancel**      \$122.78

**S-B-L** 20.0-2-27.12      **145689 NEWSTEAD**

Acct. No. 112      \$90.72      County  
 Acct. No. 132      \$32.06      Town/SpecialDist/School

**Charge To :** 145689 NEWSTEAD      **\$32.06**

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 18,525 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

**FISCAL YEAR** 2004      Petition No.      **204161**

ASSESSOR      **Cancel**      \$151.85

**S-B-L** 33.00-3-23      **145689 NEWSTEAD**

Acct. No. 112      \$93.04      County  
 Acct. No. 132      \$58.81      Town/SpecialDist/School

**Charge To :** 145689 NEWSTEAD      **\$58.81**

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 134,000 AND SHOULD BE 115,000. RPTL 550(2)A

**FISCAL YEAR** 2004      Petition No.      **204162**

ASSESSOR      **Cancel**      \$2,056.40

**S-B-L** 33.00-2-27      **145689 NEWSTEAD**

Acct. No. 112      \$0.00      County

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

|                           |                        |            |                         |
|---------------------------|------------------------|------------|-------------------------|
| <b><u>Charge To :</u></b> | Acct. No. 132          | \$2,056.40 | Town/SpecialDist/School |
|                           | <b>145689 NEWSTEAD</b> |            | <b>\$2,056.40</b>       |

CANCEL - CLERICAL ERROR, THIS PROPERTY IS OWNED BY THE VILLAGE OF AKRON AND DOES NOT PAY WATER DISTRICT TAX. RPTL 550(2)E

|                         |              |               |
|-------------------------|--------------|---------------|
| <b>FISCAL YEAR</b> 2004 | Petition No. | <b>204163</b> |
|-------------------------|--------------|---------------|

|          |               |          |
|----------|---------------|----------|
| ASSESSOR | <b>Cancel</b> | \$198.81 |
|----------|---------------|----------|

|                            |                        |
|----------------------------|------------------------|
| <b>S-B-L</b> 47.07-2-11.12 | <b>145689 NEWSTEAD</b> |
|----------------------------|------------------------|

|                           |                        |          |                         |
|---------------------------|------------------------|----------|-------------------------|
| <b><u>Charge To :</u></b> | Acct. No. 112          | \$146.90 | County                  |
|                           | Acct. No. 132          | \$51.91  | Town/SpecialDist/School |
|                           | <b>145689 NEWSTEAD</b> |          | <b>\$51.91</b>          |

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 33,300 AND SHOULD BE 3,300. RPTL 550(2)A

|                         |              |               |
|-------------------------|--------------|---------------|
| <b>FISCAL YEAR</b> 2004 | Petition No. | <b>204164</b> |
|-------------------------|--------------|---------------|

|          |               |          |
|----------|---------------|----------|
| ASSESSOR | <b>Cancel</b> | \$692.50 |
|----------|---------------|----------|

|                             |                        |
|-----------------------------|------------------------|
| <b>S-B-L</b> 47.18-3-37.112 | <b>145689 NEWSTEAD</b> |
|-----------------------------|------------------------|

|                           |                        |          |                         |
|---------------------------|------------------------|----------|-------------------------|
| <b><u>Charge To :</u></b> | Acct. No. 112          | \$511.68 | County                  |
|                           | Acct. No. 132          | \$180.82 | Town/SpecialDist/School |
|                           | <b>145689 NEWSTEAD</b> |          | <b>\$180.82</b>         |

CANCEL - CLERICAL ERROR, THIS PARCEL IS UNDER AGREEMENT WITH THE TOWN AND COUNTY FOR A PILOT AGREEMENT. IDA EXEMPTION OMITTED. RPTL 550(2)C

|                         |              |               |
|-------------------------|--------------|---------------|
| <b>FISCAL YEAR</b> 2004 | Petition No. | <b>204165</b> |
|-------------------------|--------------|---------------|

|          |               |          |
|----------|---------------|----------|
| ASSESSOR | <b>Cancel</b> | \$220.00 |
|----------|---------------|----------|

MEETING NO. 9

April 28, 2004

ERIE COUNTY LEGISLATURE

S-B-L 47.19-1-2

145689 NEWSTEAD

|               |          |                         |
|---------------|----------|-------------------------|
| Acct. No. 112 | \$162.56 | County                  |
| Acct. No. 132 | \$57.44  | Town/SpecialDist/School |

**Charge To :**                    **145689 NEWSTEAD**                    **\$57.44**

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 33,200 (40%) WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C

FISCAL YEAR 2004

Petition No.

204166

ASSESSOR

Cancel

\$9.94

S-B-L 47.19-3-43.2

145689 NEWSTEAD

|               |        |                         |
|---------------|--------|-------------------------|
| Acct. No. 112 | \$7.35 | County                  |
| Acct. No. 132 | \$2.59 | Town/SpecialDist/School |

**Charge To :**                    **145689 NEWSTEAD**                    **\$2.59**

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSED VALUE WAS 108,000 AND SHOULD BE 106,500. RPTL 550(2)A

FISCAL YEAR 2004

Petition No.

204167

ASSESSOR

Cancel

\$5,176.13

S-B-L 48.00-1-2.21/A

145689 NEWSTEAD

|               |            |                         |
|---------------|------------|-------------------------|
| Acct. No. 112 | \$3,824.64 | County                  |
| Acct. No. 132 | \$1,351.49 | Town/SpecialDist/School |

**Charge To :**                    **145689 NEWSTEAD**                    **\$1,351.49**

CANCEL - CLERICAL ERROR, THIS PARCEL IS UNDER A PILOT AGREEMENT WITH TOWN AND COUNTY . THE IDA EXEMPTION WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C

FISCAL YEAR 2004

Petition No.

204168



MEETING NO. 9  
 April 28, 2004

**ERIE COUNTY LEGISLATURE**

ASSESSOR      **Cancel**      \$238.56

**S-B-L** 269.19-7-16      **145889 NORTH COLLINS**

Acct. No. 112      \$139.40      County  
 Acct. No. 132      \$99.16      Town/SpecialDist/School

**Charge To :**      **145889 NORTH COLLINS**      **\$99.16**

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 30,500 (50%) WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

**FISCAL YEAR** 2004      Petition No.      **204172**

ASSESSOR      **Cancel**      \$1,607.19

**S-B-L** 269.16-1-20      **145889 NORTH COLLINS**

Acct. No. 112      \$364.44      County  
 Acct. No. 132      \$1,242.75      Town/SpecialDist/School

**Charge To :**      **145889 NORTH COLLINS**      **\$1,242.75**  
**Relevy School**      \$1,062.89      145801 NORTH COLLINS CENT

CANCEL - CLERICAL ERROR, THIS PARCEL IS OWNED BY THE YMCA AND IS EXEMPT FROM TAXES BECAUSE IT IS A NON-PROFIT AGENCY. EXEMPTION IS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

**FISCAL YEAR** 2004      Petition No.      **204173**

ASSESSOR      **Cancel**      \$272.29

**S-B-L** 272.10-27-132      **145889 NORTH COLLINS**

Acct. No. 112      \$64.73      County  
 Acct. No. 132      \$207.56      Town/SpecialDist/School

**Charge To :**      **145889 NORTH COLLINS**      **\$207.56**  
**Relevy School**      \$155.24      144001 EDEN CENTRAL

CANCEL - CLERICAL ERROR, THIS PARCEL WAS CREATED IN ERROR .  
 RPTL 550(2)A





**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

|                         |              |               |
|-------------------------|--------------|---------------|
| <b>FISCAL YEAR 2004</b> | Petition No. | <b>204180</b> |
|-------------------------|--------------|---------------|

|          |               |          |
|----------|---------------|----------|
| ASSESSOR | <b>Cancel</b> | \$138.16 |
|----------|---------------|----------|

|                             |                     |
|-----------------------------|---------------------|
| <b>S-B-L 204.00-1-10.11</b> | <b>146600 WALES</b> |
|-----------------------------|---------------------|

|               |          |                         |
|---------------|----------|-------------------------|
| Acct. No. 112 | \$0.00   | County                  |
| Acct. No. 132 | \$138.16 | Town/SpecialDist/School |

|                           |                     |                 |
|---------------------------|---------------------|-----------------|
| <b><u>Charge To :</u></b> | <b>146600 WALES</b> | <b>\$138.16</b> |
|---------------------------|---------------------|-----------------|

CANCEL - CLERICAL ERROR, THIS IS A SINGLE FAMILY HOME AND SHOULD ONLY BE CHARGED ONE UNIT OF REFUSE. RPTL 550(2)E

|                         |              |               |
|-------------------------|--------------|---------------|
| <b>FISCAL YEAR 2004</b> | Petition No. | <b>204181</b> |
|-------------------------|--------------|---------------|

|          |               |          |
|----------|---------------|----------|
| ASSESSOR | <b>Cancel</b> | \$276.32 |
|----------|---------------|----------|

|                            |                     |
|----------------------------|---------------------|
| <b>S-B-L 204.00-1-11.2</b> | <b>146600 WALES</b> |
|----------------------------|---------------------|

|               |          |                         |
|---------------|----------|-------------------------|
| Acct. No. 112 | \$0.00   | County                  |
| Acct. No. 132 | \$276.32 | Town/SpecialDist/School |

|                           |                     |                 |
|---------------------------|---------------------|-----------------|
| <b><u>Charge To :</u></b> | <b>146600 WALES</b> | <b>\$276.32</b> |
|---------------------------|---------------------|-----------------|

CANCEL - CLERICAL ERROR, THIS PARCEL IS VACANT LAND AND SHOULD NOT BE CHARGED FOR GARBAGE TAX. RPTL 550(2)E  
(5-0)

|      |      |      |       |                                    |
|------|------|------|-------|------------------------------------|
| 2 b. | Item | Page | -2004 | <b>AS AMENDED</b><br>(Comm. 1D-21) |
|------|------|------|-------|------------------------------------|

**DIRECTOR OF BUDGET, MANAGEMENT & FINANCE**

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigated the validity of such applications (see attached listing)

NOW THEREFORE, BE IT

RESOLVED, that petitions numbered 204153 inclusive be hereby denied based upon the recommendation of the Director of Real Property Services

MEETING NO. 9

April 28, 2004

ERIE COUNTY LEGISLATURE

|             |                           |                                 |
|-------------|---------------------------|---------------------------------|
| FISCAL YEAR | 2004                      | Petition No. 204153             |
| ASSESSOR    | Cancel                    | \$54.14                         |
| S-B-L       | 238.07-1-15.2             | 144000 EDEN                     |
|             | Acct. No. 112             | \$26.09 County                  |
|             | Acct. No. 132             | \$28.05 Town/SpecialDist/School |
| 40019       | FIRE PROTECTION           | \$3.73                          |
|             | <b><u>Charge To :</u></b> | <b>144000 EDEN \$24.32</b>      |

CANCEL - UNLAWFUL ENTRY, PARCEL IS OWNED BY THE TOWN OF EDEN AND IS WHOLLY EXEMPT FROM TAXES. RPTL 550(7)A

**This parcel was deeded over to the Town of Eden August 6, 2003 making it ineligible for the exemption on the taxes. The exemption would have had to been granted by May 1, 2003 to make it exempt for the 2004 Town and County tax Bill. Therefore, the Director of Real Property has denied this petition, making the taxes due.**

(5-0)

3. Item Page -2004 **AS AMENDED**  
(Comm. 8E-12)  
**COUNTY EXECUTIVE**

WHEREAS, the following grant Programs are included in Book B of the 2004 Adopted Budget, and

WHEREAS, the 2004 Adopted Budget resolutions require legislative approval for the County Executive to enter into contracts with grantor agencies for the purpose of receiving grants awarded or budgeted for fiscal 2004.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget, Management and Finance with respect to the availability of State and/or Federal funds, for the following grant programs which commence on April 1, 2004:

| <u>Department</u>          | <u>Grant Program</u> | <b>2004 Budget</b><br><b>Book B</b><br><b><u>Page No.</u></b> |
|----------------------------|----------------------|---|
| 140 - District<br>Attorney | Aid to Prosecution   | 23  |

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

|                            |  |      |
|----------------------------|--|------|
| 140 - District<br>Attorney | Multijurisdictional Program                          | 23   |
| 140 - District<br>Attorney | Comprehensive Assault, Abuse and<br>Rape Unit (CAAR) | 24   |
| 650 -CPS                   | Aid to Crime Labs Program                            | 63   |
| 650 -CPS                   | Aid to Localities -Laboratory Funding                | 63   |
| 150 - Sheriff              | Unified Court Security                               | 79   |
| 260 - Probation            | Juvenile Justice Title V Grant                       | 96*  |
| 260 – Probation            | Aid to Localities -Indigent Defense                  | 96   |
| 260 - Probation            | Juvenile Justice Formula Grant                       | 97** |
| 200 - Social<br>Services   | Legal Assistance to the Disabled                     | 294  |
| 620 - Env. & Pig.          | Home Rehabilitation Program                          | 437  |
| 620 - Env. & Pig.          | Community Development -30th Year                     | 437  |

\* Begins 3/01/04

\*\* Begins 6/01/04

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the following departments: County Executive, Central Police Services, District Attorney, Sheriff, Probation, Social Services, Law, Environment and Planning, the Office of the Comptroller and the Division of Budget, Management and Finance.

(5-0)

4. Item Page -2004 (Comm. 8E-51)

**COMPTROLLER**RESOLUTION NO. 174 -2004BOND RESOLUTION DATED JULY 10, 2003 AND AMENDED \_\_\_\_\_, 2004

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING  
IMPROVEMENTS TO VARIOUS COUNTY FACILITIES TO IMPLEMENT ENERGY SAVING  
FACILITY IMPROVEMENT MEASURES, STATING THE ESTIMATED MAXIMUM COST

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

THEREOF IS \$3,500,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$3,500,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF

(Introduced) March 30, 2004

(Adopted) \_\_\_\_\_, 2004

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County") is hereby authorized to construct improvements to the Erie County Holding Center, the Erie County Correctional Facility, the Erie County Sheriff Bunker and the Erie County Medical Facilities at 1500 Broadway and 608 William Street to implement Energy Saving Facility Improvement Measures, including but not limited to (i) retrofitting of lighting and controls, (ii) installation of premium efficiency motors - Glycol pumps, (iii) installation of variable speed drives on premium efficiency motors -glycol pumps 1 & 1A, AHU fans, (iv) installation of water-cooled air conditioning units and various other cooling equipment, (v) installation of steam traps and night setbacks, (vi) installation of various weatherization devises to reduce air infiltration and exfiltration, (vii) the installation of variable frequency drives on cooling tower fans and condenser water pumps, (viii) replacement of fire alarm systems, (ix) installation of new energy management systems, (x) installation of electric humidifiers with atomization systems, (xi) installation of energy management systems on kitchen ventilation AHU's, (xii) the installation of an integrated platform for communications of EMS, fire and security systems between County facilities utilizing an Ethernet backbone; and (xiii) further reconstruction to provide for the installation of a main server workstation having monitory and central functionality. The estimated maximum cost of said class of specific objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$3,500,000, and said amount is hereby appropriated therefore. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2003 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$3,500,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$3,500,000 are hereby authorized to be issued for the class of objects or purposes described in Section 1 hereof, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness of the class of objects or purposes for which said \$3,500,000 bonds herein authorized are to be issued, pursuant to Section 11.00 a. 90 of the Law, is ten (10) years.

Section 4. The County intends to finance and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the objects or purposes described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of said Local Finance Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, and relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

**Section (B).** The amendment of the bond resolution set forth in Section (A) of this resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

**Section (C).** This Resolution shall take effect immediately.  
(5-0)

5. Item Page -2004 (Comm. 8E-53)

**COMPTROLLER**RESOLUTION NO. 175 -2004

BOND RESOLUTION DATED \_\_\_\_\_, 2004

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2004 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$176,307,200, APPROPRIATING \$52,461,200 THEREFOR, INCLUDING THE EXPENDITURE OF \$4,670,000 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID; AND AUTHORIZING THE ISSUANCE OF \$47,791,200 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATIONS; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

(Introduced) March 30, 2004

(Adopted) \_\_\_\_\_, 2004

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

**Section 1.** The County of Erie, New York (herein called "County"), is hereby authorized to undertake the various capital projects as described in column A of the attached schedule, each as more fully described in column G of the attached schedule and the duly adopted 2002, 2003 & 2004 Capital Budgets for the County. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2002, 2003 and 2004 Capital Budgets of the County, such Budget shall be deemed and are hereby amended. The respective estimated maximum costs of (a) the specific objects or purposes set forth in rows 1, 8- 14, 19-22, 28, 32-36, 38-43 and 45 of the attached schedule, and (b) the classes of objects or purposes set forth in rows 2-7, 15-18, 23-27, 29-31, 37 and 44 of the attached schedule, including preliminary costs and costs incidental thereto and

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

to the financing thereof, is set forth in column B of the attached schedule, and said respective amounts are hereby appropriated therefore pursuant to the duly adopted 2002, 2003 and 2004 Capital Budgets for the County. The plan of financing includes the expenditure of \$4,670,000 in State and Federal aid expected to be received and the issuance of \$47,791,200 aggregate principal amount of bonds of the County to finance the balance of said appropriations, the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended, towards the cost of the applicable specific objects or purposes or classes of objects or purposes or the redemption of any notes and bonds issued therefore or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the County in the respective principal amounts set forth in column C of the attached schedule are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law") to finance said appropriations.

Section 3. The respective periods of probable usefulness for said specific objects or purposes and classes of objects or purposes for which said \$47,791,200 bonds herein authorized are to be issued, within the limitations of § 11.00 a. of the Law, is set forth in column F of the attached schedule.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the respective specific objects or purposes and classes of objects or purposes described in Section 1 hereof, prior to the issuance of the bonds or bond anticipation notes herein authorized, out of any available funds of the County on an interim basis, which respective amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County pursuant to this Resolution, in the respective maximum amounts of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged, to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

(5-0)

6. Item Page -2004 (Comm. 8E-54)

**COMPTROLLER**

RESOLUTION NO. 176 -2004

BOND RESOLUTION DATED \_\_\_\_\_, 2004

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE REMEDIATION AND REDEVELOPMENT PHASE OF THE 2001 URBAN BROWNFIELD DEVELOPMENT PROJECT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,700,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,700,000 BONDS OF THE COUNTY TO FINANCE SAID APPROPRIATIONS.

(Introduced) March 30, 2004

(Adopted) \_\_\_\_\_, 2004

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

Section 1. The County of Erie, New York (herein called "County"), pursuant to and in accordance with the provisions of Chapter 828 of the New York Laws of 1982 and an intermunicipal agreement with the City of Buffalo, is hereby authorizing the remediation and redevelopment phase of the 2001 Urban Brownfield Development Project at the Union Ship Canal Site, in the City of Buffalo, including acquisition and construction of various infrastructure improvements such as roads, sewage collection and disposal facilities, solid waste collection and disposal facilities, water supply facilities and drainage facilities (Phase n roadwork). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$1,700,000, and said amount is hereby appropriated therefore. To the extent that the details and amount set forth in this resolution are inconsistent with any details set forth in the 2001 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$1,700,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$1,700,000 are hereby authorized to be issued for the class of objects or purposes described in Section 1 hereof, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness of the specific objects or purposes for which said \$1,700,000 bonds herein authorized are to be issued, pursuant to the limitations of Section 11.00 a. 91 of the Law, is fifteen (15) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the objects or purposes described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, and relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.  
 (5-0)

**ALBERT DEBENEDETTI**  
**CHAIRMAN**

MR. DEBENEDETTI moved to separate items #2a, 4, 5 & 6 and moved the approval of the balance of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. DEBENEDETTI moved to amend item #2a (Comm. 1D-21). MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

€# **DELETE** the item in its entirety and **REPLACE** with the following:

|      |   |       |                   |
|------|---|-------|-------------------|
|      |   |       | <b>AS AMENDED</b> |
| 2 a. | Item  | Page  | (Comm. 1D-21)     |
|      |   | -2004 |                   |
|      | <b>DIRECTOR OF BUDGET, MANAGEMENT &amp; FINANCE</b> |       |                   |



MEETING NO. 9

April 28, 2004ERIE COUNTY LEGISLATURE

S-B-L 56.11-6-22

**142289 AMHERST**

|                           |                       |                 |                           |
|---------------------------|-----------------------|-----------------|---------------------------|
|                           | Acct. No. 112         | \$0.00          | County                    |
|                           | Acct. No. 132         | \$111.95        | Town/SpecialDist/School   |
| <b><u>Charge To :</u></b> | <b>142289 AMHERST</b> | <b>\$111.95</b> |                           |
|                           | <b>Relevy School</b>  | \$111.95        | 142203 WILLIAMSVILLE CENT |

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 5,720 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C  
CHECK IN FAVOR OF: WM & RITA RUFF

|                         |              |               |
|-------------------------|--------------|---------------|
| <b>FISCAL YEAR 2003</b> | Petition No. | <b>204141</b> |
|-------------------------|--------------|---------------|

|          |               |         |
|----------|---------------|---------|
| ASSESSOR | <b>Refund</b> | \$67.94 |
|----------|---------------|---------|

S-B-L 165.13-4-15

**142289 AURORA**

|                           |                      |                |                         |
|---------------------------|----------------------|----------------|-------------------------|
|                           | Acct. No. 112        | \$43.25        | County                  |
|                           | Acct. No. 132        | \$24.69        | Town/SpecialDist/School |
| <b><u>Charge To :</u></b> | <b>142289 AURORA</b> | <b>\$24.69</b> |                         |

REFUND - CLERICAL ERROR, THE COMBAT VET EXEMPTION IN THE AMOUNT OF 5,300 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C  
CHECK FOR: FLORIAN & ALICE GASZEWSKI

|                         |              |               |
|-------------------------|--------------|---------------|
| <b>FISCAL YEAR 2002</b> | Petition No. | <b>204142</b> |
|-------------------------|--------------|---------------|

|          |               |         |
|----------|---------------|---------|
| ASSESSOR | <b>Refund</b> | \$68.99 |
|----------|---------------|---------|

S-B-L 165.13-4-15

**142289 AURORA**

|                           |                      |                |                         |
|---------------------------|----------------------|----------------|-------------------------|
|                           | Acct. No. 112        | \$44.96        | County                  |
|                           | Acct. No. 132        | \$24.03        | Town/SpecialDist/School |
| <b><u>Charge To :</u></b> | <b>142289 AURORA</b> | <b>\$24.03</b> |                         |

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 5,300 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C  
CHECK FOR: FLORIAN & ALICE GASZEWSKI

|                         |              |               |
|-------------------------|--------------|---------------|
| <b>FISCAL YEAR 2004</b> | Petition No. | <b>204143</b> |
|-------------------------|--------------|---------------|

|          |               |         |
|----------|---------------|---------|
| ASSESSOR | <b>Cancel</b> | \$67.47 |
|----------|---------------|---------|

MEETING NO. 9

April 28, 2004

ERIE COUNTY LEGISLATURE

S-B-L 165.13-4-15

142289 AURORA

|               |         |                         |
|---------------|---------|-------------------------|
| Acct. No. 112 | \$44.03 | County                  |
| Acct. No. 132 | \$23.44 | Town/SpecialDist/School |

**Charge To :**                    **142289 AURORA**                    **\$23.44**

REFUND - CLERICAL ERROR, THE COMBAT VETERAN EXEMPTION IN THE AMOUNT OF 5,300 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C  
CHECK FOR: FLORIAN & ALICE GASZEWSKI

FISCAL YEAR 2003

Petition No.

204144

|          |        |          |
|----------|--------|----------|
| ASSESSOR | Cancel | \$420.67 |
|----------|--------|----------|

S-B-L 174.00-2-9

142289 AURORA

|               |          |                         |
|---------------|----------|-------------------------|
| Acct. No. 112 | \$268.24 | County                  |
| Acct. No. 132 | \$152.43 | Town/SpecialDist/School |

24020 AURORA # 1 FIRE PROTECTION \$30.87

**Charge To :**                    **142289 AURORA**                    **\$121.56**

CANCEL - CLERICAL ERROR, PARCEL WAS SEIZED BY THE US GOVERNMENT ON OCTOBER, 2002. THIS PARCEL IS EXEMPT. RPTL 550(7)A

FISCAL YEAR

Petition No.

204145

|          |        |            |
|----------|--------|------------|
| ASSESSOR | Cancel | \$3,601.29 |
|----------|--------|------------|

S-B-L 174.00-2-10

142289 AURORA

|               |            |                         |
|---------------|------------|-------------------------|
| Acct. No. 112 | \$1,958.57 | County                  |
| Acct. No. 132 | \$1,642.72 | Town/SpecialDist/School |

24020 AURORA # 1 FIRE PROTECTION \$310.02

**Charge To :**                    **142289 AURORA**                    **\$1,332.70**

CANCEL - CLERICAL ERROR, PARCEL WAS SEIZED BY THE US GOVERNMENT ON OCTOBER, 2002. PARCEL IS EXEMPT FROM TAXES. RPTL 550(7)A

FISCAL YEAR 2003

Petition No.

204146





**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

**Charge To :                    144000 EDEN                    \$424.86**

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION WAS OMITTED FROM THE TAX ROLL IN ERROR IN THE AMOUNT OF 85,600. RPTL 550(2)C

**FISCAL YEAR 2004                    Petition No.                    204154**

**ASSESSOR                    Cancel                    \$143.96**

**S-B-L 253.00-2-10                    144000 EDEN**

Acct. No. 112                    \$74.53    County  
 Acct. No. 132                    \$69.43    Town/SpecialDist/School

**Charge To :                    144000 EDEN                    \$69.43**

CANCEL - CLERICAL ERROR, THE TEMPORARY GREENHOUSE EXEMPTION IN THE AMOUNT OF 14,000 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C

**FISCAL YEAR 2004                    Petition No.                    204155**

**ASSESSOR                    Cancel                    \$169.74**

**S-B-L 254.00-3-33                    144000 EDEN**

Acct. No. 112                    \$87.86    County  
 Acct. No. 132                    \$81.88    Town/SpecialDist/School

**Charge To :                    144000 EDEN                    \$81.88**

CANCEL - CLERICAL ERROR, THE WAR VETERAN'S EXEMPTION IN THE AMOUNT OF 16,500 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C

**FISCAL YEAR 2004                    Petition No.                    204156**

**ASSESSOR                    Cancel                    \$21.35**

**S-B-L 145.01-5-35                    144200 ELMA**

Acct. No. 112                    \$14.99    County  
 Acct. No. 132                    \$6.36    Town/SpecialDist/School

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

42021 SPRINGBROOK FIRE PROTECT      \$4.34  
**Charge To :**                      **144200 ELMA**                      **\$2.02**

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSED VALUE WAS 1000 SHOULD BE 800.  
 RPTL 550(2)A

**FISCAL YEAR 2004**                      Petition No.                      **204157**

ASSESSOR                      **Cancel**                      \$138.50

**S-B-L 220.00-3-11.2**                      **144489 EVANS**

Acct. No. 112                      \$0.00      County  
 Acct. No. 132                      \$138.50      Town/SpecialDist/School  
**Charge To :**                      **144489 EVANS**                      **\$138.50**

CANCEL - CLERICAL ERROR, THIS PROPERTY IS VACANT LAND AND SHOULD NOT BE CHARGED FOR GARBAGE TAX. RPTL 550(2)E

**FISCAL YEAR 2004**                      Petition No.                      **204158**

ASSESSOR                      **Cancel**                      \$789.71

**S-B-L 151.20-1-5**                      **144889 HAMBURG**

Acct. No. 112                      \$0.00      County  
 Acct. No. 132                      \$789.71      Town/SpecialDist/School  
 48178 EC#3 BLASDELL                      \$258.71  
 48179 EC#3 BLASDELL                      \$531.00  
**Charge To :**                      **144889 HAMBURG**                      **\$0.00**

CANCEL - CLERICAL ERROR, ECSD OWNS THIS PROPERTY AND DOES NOT PAY TAXES TO ITSELF . IT IS EXEMPT. RPTL 550(2)C

**FISCAL YEAR**                      Petition No.                      **204159**

**Cancel**

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE****S-B-L**

|                           |                       |                 |                         |
|---------------------------|-----------------------|-----------------|-------------------------|
|                           | Acct. No. 112         | \$0.00          | County                  |
|                           | Acct. No. 132         |                 | Town/SpecialDist/School |
| 54065                     | WATER DIST #4         | \$202.58        |                         |
| 54065                     | WATER DIST #4         | \$202.58        |                         |
| 54066                     | WATER DIST #4         | \$11.64         |                         |
| 54066                     | WATER DIST #4         | \$11.64         |                         |
| <b><u>Charge To :</u></b> | <b>145400 MARILLA</b> | <b>\$214.22</b> |                         |

CANCEL - CLERICAL ERROR, AGRICULTURAL DISTRICT SHOULD NOT BE CHARGED FOR WATER DISTRICT TAX. RPTL 550(2)E

**FISCAL YEAR 2004**                      Petition No.                      **204160**

ASSESSOR                      **Cancel**                      \$122.78

**S-B-L** 20.0-2-27.12                      **145689 NEWSTEAD**

|                           |                        |                |                         |
|---------------------------|------------------------|----------------|-------------------------|
|                           | Acct. No. 112          | \$90.72        | County                  |
|                           | Acct. No. 132          | \$32.06        | Town/SpecialDist/School |
| <b><u>Charge To :</u></b> | <b>145689 NEWSTEAD</b> | <b>\$32.06</b> |                         |

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 18,525 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

**FISCAL YEAR 2004**                      Petition No.                      **204161**

ASSESSOR                      **Cancel**                      \$151.85

**S-B-L** 33.00-3-23                      **145689 NEWSTEAD**

|                           |                        |                |                         |
|---------------------------|------------------------|----------------|-------------------------|
|                           | Acct. No. 112          | \$93.04        | County                  |
|                           | Acct. No. 132          | \$58.81        | Town/SpecialDist/School |
| <b><u>Charge To :</u></b> | <b>145689 NEWSTEAD</b> | <b>\$58.81</b> |                         |

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 134,000 AND SHOULD BE 115,000. RPTL 550(2)A







**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

CANCEL- CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 16,225 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

**FISCAL YEAR 2004**                      Petition No.                      **204171**

ASSESSOR                      **Cancel**                      \$238.56

**S-B-L** 269.19-7-16                      **145889 NORTH COLLINS**

Acct. No. 112                      \$139.40      County  
Acct. No. 132                      \$99.16      Town/SpecialDist/School

**Charge To :**                      **145889 NORTH COLLINS**                      **\$99.16**

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 30,500 (50%) WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

**FISCAL YEAR 2004**                      Petition No.                      **204173**

ASSESSOR                      **Cancel**                      \$272.29

**S-B-L** 272.10-27-132                      **145889 NORTH COLLINS**

Acct. No. 112                      \$64.73      County  
Acct. No. 132                      \$207.56      Town/SpecialDist/School

**Charge To :**                      **145889 NORTH COLLINS**                      **\$207.56**  
**Relevy School**                      \$155.24      144001 EDEN CENTRAL

CANCEL - CLERICAL ERROR, THIS PARCEL WAS CREATED IN ERROR .  
RPTL 550(2)A

**FISCAL YEAR 2004**                      Petition No.                      **204174**

ASSESSOR                      **Cancel**                      \$120.71

**S-B-L** 286.00-5-4                      **145889 NORTH COLLINS**

Acct. No. 112                      \$0.00      County  
Acct. No. 132                      \$120.71      Town/SpecialDist/School

**Charge To :**                      **145889 NORTH COLLINS**                      **\$120.71**

CANCEL - CLERICAL ERROR, THIS PARCEL IS VACANT LAND AND SHOULD NOT

MEETING NO. 9

April 28, 2004ERIE COUNTY LEGISLATURE

BE CHARGED FOR GARBAGE TAX. RPTL 550(2)E

FISCAL YEAR 2004                      Petition No.                      **204175**ASSESSOR                      **Cancel**                      \$120.71**S-B-L** 288.00-1-7.11                      **145889 NORTH COLLINS**Acct. No. 112                      \$0.00      County  
Acct. No. 132                      \$120.71      Town/SpecialDist/School**Charge To :**                      **145889 NORTH COLLINS**                      **\$120.71**

CANCEL - CLERICAL ERROR, THIS PARCEL IS VACANT LAND AND SHOULD NOT BE CHARGED FOR REFUSE. RPTL 550(2)E

FISCAL YEAR 2004                      Petition No.                      **204176**ASSESSOR                      **Cancel**                      \$120.71**S-B-L** 289.05-1-7                      **145889 NORTH COLLINS**Acct. No. 112                      \$0.00      County  
Acct. No. 132                      \$120.71      Town/SpecialDist/School**Charge To :**                      **145889 NORTH COLLINS**                      **\$120.71**

CANCEL - CLERICAL ERROR, OWNER HAD A CONTRACT WITH A PRIVATE COMPANY FOR REFUSE REMOVAL. SHOULD NOT BE CHARGED FOR REFUSE. RPTL 550(2)E

FISCAL YEAR 2004                      Petition No.                      **204177**ASSESSOR                      **Cancel**                      \$137.40**S-B-L** 311.08-2-26                      **146200 SARDINIA**Acct. No. 112                      \$137.40      County  
Acct. No. 132                      \$0.00      Town/SpecialDist/School**Charge To :**                      **146200 SARDINIA**                      **\$0.00**

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF



**MEETING NO. 9**

**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

BE CHARGED ONE UNIT OF REFUSE. RPTL 550(2)E

**FISCAL YEAR 2004**                      Petition No.                      **204181**

   ASSESSOR                      **Cancel**                      \$276.32

**S-B-L 204.00-1-11.2**    **146600 WALES**

   Acct. No. 112    \$0.00      County

   Acct. No. 132    \$276.32      Town/SpecialDist/School

**Charge To :**    **146600 WALES**    **\$276.32**

CANCEL - CLERICAL ERROR, THIS PARCEL IS VACANT LAND AND SHOULD NOT BE CHARGED FOR GARBAGE TAX. RPTL 550(2)E

MR. DEBENEDETTI moved the approval of item #2a as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. DEBENEDETTI moved the approval of item #4 (Comm. 8E-51). MS. MARINELLI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 15, NOES 0).

CARRIED UNANIMOUSLY.

MR. DEBENEDETTI moved the approval of item #5(Comm. 8E-53). MS. MARINELLI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 15, NOES 0).

CARRIED UNANIMOUSLY.

MR. DEBENEDETTI moved the approval of item #6 (Comm. 8E-54). MS. MARINELLI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 15, NOES 0).

CARRIED UNANIMOUSLY.

Item 33 – MR. SCHROEDER presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 177

April 22, 2004

ECONOMIC DEVELOPMENT  
COMMITTEE  
REPORT NO. 6

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.

- |    |   |      |       |               |
|----|---|------|-------|---------------|
| a. | Item  | Page | -2003 | (Comm. 1E-50) |
|    | <b>SCHROEDER:</b> Copy of Letter to Legislator Ranzenhofer Re: Federal Funding for County Projects.                   |      |       |               |
|    | (5-0)   |      |       |               |
|    |   |      |       |               |
| b. | Item  | Page | -2004 | (Comm. 1D-16) |
|    | <b>COUNTY ATTORNEY:</b> ECIDA's Fiscal Year 2004 Budget.  |      |       |               |
|    | (5-0)   |      |       |               |
|    |   |      |       |               |
| c. | Item  | Page | -2004 | (Comm. 7E-39) |
|    | <b>COUNTY EXECUTIVE:</b> Ralph Wilson Stadium – 2004 Miscellaneous Site Work.   |      |       |               |
|    | (5-0)   |      |       |               |
|    |   |      |       |               |
| d. | Item  | Page | -2004 | (Comm. 7E-40) |
|    | <b>COUNTY EXECUTIVE:</b> Ralph Wilson Stadium – 2004 Miscellaneous Concrete Repairs.                                  |      |       |               |
|    | (5-0)   |      |       |               |
|    |   |      |       |               |
| e. | Item  | Page | -2004 | (Comm. 8D-14) |
|    | <b>DPW:</b> Highway Department Policies Re: Open Cutting of County Highway & Paved Shoulders – Residential Driveways. |      |       |               |
|    | (5-0)   |      |       |               |

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

- f. Item Page -2004 (Intro. 8-16)  
**RANZENHOFER, MINORITY CAUCUS:** Request to Obtain Erie County's Share of FYE  
 2004 CHIPS Funding.  
 (5-0)

2. Item Page -2004 **AS AMENDED**  
 (Comm. 7E-38)  
**COUNTY EXECUTIVE**  
 WHEREAS, the Department of Public Works received bids on April 7, 2004, for the Ralph  
 Wilson Stadium – 2004 – Renovation of Existing Suites & Miscellaneous Work, and

WHEREAS, the Department of Public Works is recommending award to the lowest  
 responsible bidders for the Ralph Wilson – 2004 – Renovation of Existing Suites and Miscellaneous  
 Work, and

WHEREAS, the County of Erie is required to provide Capital Lease Improvements to the  
 stadium facilities pursuant to the new Lease Agreement,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Ralph  
 Wilson Stadium -2004 -Renovation of Existing Suites and Miscellaneous Work as follows:

**GENERAL CONSTRUCTION WORK**

Trason Development Corp.

|                                     |                   |                 |
|-------------------------------------|-------------------|-----------------|
| Base Bid                            | \$1,150,432.00    |                 |
| Alternate Bid G-1                   | + 6,800.00        |                 |
| Alternate Bid G-2                   | + <u>2,400.00</u> |                 |
| Total for General Construction Work |                   | \$ 1,159,632.00 |

**HVAC WORK**

J. W. Danforth Co.

|                     |                    |               |
|---------------------|--------------------|---------------|
| Base Bid            | \$ 174,400.00      |               |
| Alternate Bid M-1   | + <u>13,000.00</u> |               |
| Total for HVAC Work |                    | \$ 187,400.00 |

**ELECTRICAL WORK**

Frey Electric Construction Co., Inc.

|          |               |  |
|----------|---------------|--|
| Base Bid | \$ 393,000.00 |  |
|----------|---------------|--|

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

|                           |                 |               |
|---------------------------|-----------------|---------------|
| Alternate E-1             | + 30,000.00     |               |
| Alternate E-2             | + <u>500.00</u> |               |
| Total for Electrical Work |                 | \$ 423,500.00 |

**PLUMBING WORK**

W.C. Roberson Plumbing &amp; Construction Co.

|                         |                      |
|-------------------------|----------------------|
| Base Bid                | <u>\$ 127,900.00</u> |
| Total of all contracts: | \$1,898,432.00       |

and be it further,

RESOLVED, that the sum of 190,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

RESOLVED, that the Buffalo Bills will reimburse the 2004 bond funds in an amount not-to-exceed \$360,000 for unanticipated work required to complete the project, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the following accounts:

|  |                                    |
|--|------------------------------------|
| 2002 RW Stadium, Project 284, Fund 410 | \$ 135,000.00                      |
| 2003 RW Stadium, Project 406, Fund 410 | \$ 100,000.00                      |
| 2004 RW Stadium Bond Funds             | \$1,853,432.00, and be it further, |

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Office of the County Executive.

(5-0)

3. Item Page -2004 (Comm. 8E-11)

**COUNTY EXECUTIVE**

WHEREAS, in 2002, six positions were created for Asbestos Abatement Workers (job group 8), and

WHEREAS, after a grievance was filed with the Union, significant negotiations were held that resulted in an agreement to downgrade these positions one job group to job group 7, and

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

WHEREAS, as part of the negotiations, it was agreed that three Asbestos Abatement Workers would be downgraded immediately and the other three Asbestos Abatement Workers would be downgraded June 26, 2004, and

WHEREAS, to avoid the potential for another grievance, the Department of Public Works desires to add one Receptionist position (job group 3) for staffing the front desk,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the addition of one Receptionist position (job group 3); and be it further

RESOLVED, that the Erie County Legislature authorizes the change of the six Asbestos Abatement Worker positions from job group 8 to job group 7; three (positions # 066100, 066104 and 066105) effective immediately upon passage of this resolution and the other three (positions # 066102, 066103 and 066106) effective June 26, 2004 with additional funding to be taken from the Department of Public Works Personal Services account; and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, and one copy each to the County Executive, the Commissioner of Personnel, the Director of Budget, Management and Finance and the Office of the Comptroller. (5-0)

4. Item Page -2004 (Comm. 8E-18)

**COUNTY EXECUTIVE**

WHEREAS, the Dunn Tire Park Lease Agreement between the Buffalo Bisons and Erie County designates the County as being responsible for capital improvement projects in the amount of \$5 million, and

WHEREAS, the Lease Agreement designates HOK – S+V+E, the Architect of Record, to provide Architectural/Engineering and Construction Management Services to the Buffalo Bisons, and

WHEREAS, your Honorable Body approved a resolution on April 10, 2003 for the County Executive to enter into an Architectural/Engineering Agreement with HOK – S+V+E, and

WHEREAS, the Buffalo Bisons have requested that the County continue with the Capital Improvements, and WHEREAS, in order to comply, HOK – S+V+E has completed some design work for these projects and the Department of Public Works must receive bids and issue construction contracts for the work,

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to HOK – S+V+E to prepare construction documents and provide Design and

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

Construction Management Services for this year's Capital Improvement Work for a fee not to exceed \$100,000, and be it further,

RESOLVED, that the Comptroller's Office is authorized to make payments for the above from the 2003 Dunn Tire Park Tobacco Project, Project 381, Fund 441, and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Commissioner's Office; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the County Executive's Office.

(5-0)

5. Item Page -2004 (Comm. 8E-19)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Public Works, Division of Highways is planning to replace the Glen Avenue Bridges 702 and 704, over Ellicott Creek in the Village of Williamsville, County of Erie, and

WHEREAS, in order to facilitate the reconstruction of the bridges, it will be necessary for the County to acquire by fee, permanent easement or temporary easement, portions of real property in the vicinity of the bridges, such property to be acquired by the County is hereinafter referred to as the "Subject Properties", and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Properties by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works, or her authorized representatives, are hereby authorized to negotiate with the owners of the following properties towards acquiring a portion of their real property, either by fee or by temporary or permanent easement, which is necessary for the replacement of the two bridges project:

| <u>Parcel Number</u> | <u>Township</u> |
|----------------------|-----------------|
| 068.20-3-40          | Amherst         |
| 069.17-2-36          | Amherst         |
| 069.17-2-37          | Amherst         |
| 069.17-2-38.1        | Amherst         |

and be it further

RESOLVED, that the expenses of acquiring the Subject Properties shall be derived from funds previously appropriated by the County Legislature for the Right-of-Way Incidentals and Right-of-Way Acquisition Phases for the Glen Avenue Bridges Replacement project, such

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

appropriations having been made by Resolution Communication Number 4E-21 on March 6, 2003 and included in the 1999 Federal Aid, Various Roads and Bridges Program (SFG 420-134), and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee interests in the Subject Properties, and be it further

RESOLVED, that certified copies of this resolution shall be sent to the County Executive, the Commissioner of Public Works, the Deputy Commissioner -Highways, the County Comptroller, the County Attorney, and the Director of Budget, Management and Finance.

(5-0)

6. Item Page -2004 (Comm. 8E-20)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Public Works, Division of Highways is planning to reconstruct Lake Shore Road Bridge 111-5, Over Delaware Creek, in the Town of Evans, County of Erie, and

WHEREAS, in order to facilitate the reconstruction of the bridge, it will be necessary for the County to acquire by fee, permanent easement or temporary easement, portions of real property in the vicinity of the road, such property to be acquired by the County is hereinafter referred to as the "Subject Properties", and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Properties by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works, or her authorized representatives, are hereby authorized to negotiate with the owners of the following properties towards acquiring a portion of their real property, either by fee or by temporary or permanent easement, which is necessary for the replacement of the bridge project:

| <u>Parcel Number</u> | <u>Township</u> |
|----------------------|-----------------|
| 234.16-4-18          | Evans           |
| 234.16-4-19          | Evans           |
| 234.16-2-10          | Evans           |
| 234.16-2-11.1        | Evans           |

and be it further

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

RESOLVED, that the expenses of acquiring the Subject Properties shall be derived from funds previously appropriated by the County Legislature for the Right-of-Way Incidentals and Right-of-Way Acquisition Phases for the Reconstruction of Lake Shore Road Bridge project, such appropriations having been made by Resolution Communication Number 16E-9 on July 13, 2000, and included in the 2000 Federal Aid/Variou Road and Bridges Program (SFG 420-153), and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee interests in the Subject Properties, and be it further

RESOLVED, that certified copies of this resolution shall be sent to the County Executive, the Commissioner of Public Works, the Deputy Commissioner – Highways, the County Comptroller, the County Attorney, and the Director of Budget, Management and Finance.  
(5-0)

7. Item Page -2004 (Comm. 8E-22)

**COUNTY EXECUTIVE**

WHEREAS, The County of Erie desires to participate in the retention and expansion of Curtis Screw Co., Inc. in Erie County; and

WHEREAS, The company desires a new manufacturing facility, and would like to remain in Buffalo, New York; and

WHEREAS, The expansion of the activity in Erie County will initially preserve 270 jobs and lead to the creation of 30 more jobs; and

WHEREAS, The offer of infrastructure cost assistance from Erie County was critical to the decision by Curtis Screw Co., Inc. to locate in Erie County,

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with the Erie County Industrial Development Agency, in amounts not to exceed \$200,000, for the purpose of providing for infrastructure assistance for costs associated with the location in the New Buffalo Industrial Park; and be it further

RESOLVED, That funds in the amount of \$200,000 are hereby transferred from the Regionalism/Economic Development Fund (DAC 1109043038301299) to a separate sub-account under Contractual Services in Department 302, Public Benefit Agencies, as monitored by Environment and Planning; and be it further;

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management, and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(5-0)

8. Item Page -2004 (Comm. 8E-24)

**COUNTY EXECUTIVE**

WHEREAS, Erie County has undertaken a Village Center Reinvestment Program through the federally funded Community Development Block Grant; and

WHEREAS, the Program provides targeted financial and technical assistance in the area of housing, economic development, and general planning to the Villages of Angola, Gowanda, Springville, and Town of Holland; and

WHEREAS, in order to successfully carry out the Program professional planning services are required on a regular basis to said communities; and

WHEREAS, the professional planning services include grant writing, project management, housing program marketing, development of a commercial loan façade program, and other technical activities; and

WHEREAS, Stuart I. Brown Associates, Inc. has been serving as the Circuit Rider for the Village Center Program since February 2002; and

WHEREAS, the four municipalities have indicated their desire to continue utilizing Stuart I. Brown Associates, Inc. through December 2004,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute a second amendatory agreement with Stuart I. Brown Associates, Inc. for circuit rider planning services that serves to increase the authorized contract amount from \$110,000 to \$130,000; and be it further

RESOLVED, that the source of said funds shall be Project Number 290-83962083072 from the Erie County Community Development Block Grant Program; and be it further

RESOLVED, that the Clerk of the Erie County Legislature be directed to forward certified copies of this resolution to the County Executive; the Commissioner of the Department of Environment and Planning; the Director of the Division of Budget, Management, and Finance; the County Attorney; and the Erie County Comptroller.

(5-0)

**MARK J. F. SCHROEDER**  
**CHAIRMAN**

**MEETING NO. 9**

**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

MR. SCHROEDER moved the approval of the resolution. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

**LEGISLATORS RESOLUTIONS**

Item 34 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 178

Re: Appointment to the Board of  
Directors of the EC Soil & Water  
Conservation District. (Intro. 9-1)

A RESOLUTION SUBMITTED BY  
LEGISLATORS HOLT & MARINELLI

WHEREAS, pursuant to state law, the Erie County Legislature must appoint members to the Erie County Soil & Water Conservation District Board of Directors, and

WHEREAS, of the seven member Board, two members are representatives from the County Legislature, one represents the Grange, one is from the Farm Bureau and three serve as At-Large members, and

WHEREAS, the Erie County Pomona Grange #6 has recommended the Legislature reappoint Calvin Kohn, as their representative on the District Board,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reappoint Calvin Kohn, of 11640 New Oregon Road, North Collins, NY 14111, to serve on the Erie County Soil & Water Conservation District Board of Directors for a three-year term to expire December 31, 2006, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Soil & Water Conservation District (50 Commerce Way, East Aurora, NY 14052) and Calvin Kohn (11640 New Oregon Road, North Collins, NY 14111).

Fiscal Impact: None.

MS. MARINELLI moved the approval of the resolution as amended. MR. RANZENHOFER seconded.

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

Item 35 – CHAIRMAN HOLT directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 9-2 From LEGISLATOR WEINSTEIN, MINORITY CAUCUS Re: Support for NY's Power for Jobs Program.

Item 36 – CHAIRMAN HOLT directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 9-3 From LEGISLATOR SWANICK Re: Urging the Public Service Commission to Fully Investigate the Proposed Sale of Verizon's Upstate Telephone Network.

Item 37 – CHAIRMAN HOLT directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 9-4 From LEGISLATOR RANZENHOFER Re: Support for a New Retail Location of the East Amherst Post Office (14051).

Item 38 – CHAIRMAN HOLT directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 9-5 From LEGISLATOR DEBENEDETTI Re: Erie County Purchasing.

Item 39 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 179

Re: Consideration for Public Benefit  
 Funding. (Intro. 9-6)

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organization:

| <u>NAME</u>   | <u>RECOMMENDED AMOUNT</u> | <u>SPONSOR</u> |
|---|---------------------------|----------------|
| United Irish American Association of Erie County – St. Patrick’s Day Parade | \$1,000                   | MARINELLI      |

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator of the Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.

Fiscal Impact: None.

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

## **ADD** the following co-sponsors: DEBENEDETTI and WROBLEWSKI

## **DELETE** the first resolved clause in its entirety and replace with the following:

**RESOLVED**, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

| <u>NAME</u>  | <u>RECOMMENDED AMOUNT</u> | <u>SPONSOR</u> |
|--|---------------------------|----------------|
| Kaleida’s Judge Joseph Mattina Community Health Center | \$ 1,000                  | DEBENEDETTI    |
| Group Ministries                                       | \$ 1,000                  | DEBENEDETTI    |
| Buffalo Workforce Development Center                   | \$ 2,500                  | WROBLEWSKI     |
| United Irish American Association of Erie              | \$ 1,000                  | MARINELLI      |

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

|  |                  |           |
|--|------------------|-----------|
| County – St. Patrick’s Day Parade        |                  |           |
| Buffalo Arts Council                     | <b>\$ 2,500</b>  | MARINELLI |
| Buffalo Olmsted Parks Conservatory, Inc. | <b>\$ 22,000</b> | MARINELLI |
| <b>TOTAL</b>                             | <b>\$ 30,000</b> |           |

and be it further

MS. MARINELLI moved to the approval of the resolution as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 40 – CHAIRMAN HOLT directed that the following item be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro. 9-7 From LEGISLATORS SWANICK & CHASE Re: Support State Legislation Requiring Employers of Ambulette Drivers to Conduct Fingerprinting & Background Checks (S.5479-A & A.09138).

Item 41 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 180

Re: Consideration for Public Benefit Funding. (Intro. 9-8)

A RESOLUTION SUBMITTED BY  
LEGISLATORS RANZENHOFER, WEINSTEIN & CUSACK

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization, and

WHEREAS, on February 5, 2004, the Erie County Legislature unanimously approved Intro. 4-7, as amended, designating the Amherst Task Force to receive an application for Public Benefit Funding, and on March 18, 2004, the Erie County Legislature unanimously approved Intro. 7-9, also designating the Amherst Task Force to receive an application for Public Benefit Funding, and

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

NOW, THEREFORE, BE IT

RESOLVED, the designations for the Amherst Task Force per Intro. 4-7 (2004) and Intro. 7-9 (2004) be combined and reallocated to a new and proper designation per the passage of this resolution, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

| NAME OF ORGANIZATION | RECOMMENDED AMOUNT | SPONSORS                           |
|----------------------|--------------------|------------------------------------|
| Town of Amherst      | \$6,000            | RANZENHOFER,<br>WEINSTEIN & CUSACK |

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Harry V. Wahl – Chief-of-Staff, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MS. MARINELLI moved to the approval of the resolution as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 42 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 181

Re: Consideration for Public Benefit  
Funding. (Intro. 9-9)

A RESOLUTION SUBMITTED BY  
LEGISLATOR CUSACK

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

| NAME OF ORGANIZATION      | RECOMMENDED AMOUNT | SPONSOR |
|---------------------------|--------------------|---------|
| Eggertsville Hose Company | \$7,500            | CUSACK  |

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MR. RANZENHOFER moved to amend the resolution. MR. MARINELLI seconded.

CARRIED UNANIMOUSLY.

## **DELETE** the first **RESOLVED** Clause in its entirety and **REPLACE** with:

**RESOLVED**, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

| NAME OF ORGANIZATION | RECOMMENDED AMOUNT | SPONSOR |
|----------------------|--------------------|---------|
| Ident-A-Kid          | \$1,400            | CUSACK  |

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

|                           |          |        |
|---------------------------|----------|--------|
| Amherst Police Department | \$2,000  | CUSACK |
| Egbertsville Hose Company | \$8,000  | CUSACK |
| TOTAL                     |          |        |
|                           | \$11,400 |        |

MR. RANZENHOFER moved the approval of the resolution as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 43 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 182

Re: Consideration for Public Benefit Funding. (Intro. 9-10)

A RESOLUTION SUBMITTED BY  
LEGISLATOR WEINSTEIN

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

| NAME OF ORGANIZATION | RECOMMENDED AMOUNT | SPONSOR   |
|----------------------|--------------------|-----------|
| Arts Council         | \$2,500            | WEINSTEIN |

And be it further

RESOLVED, that a 2003 Public Benefit Application for \$1,800 for the Williamsville Business Association (Intro. 5-8 2003) was not successfully completed, and be it further

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

RESOLVED, that the Village Preservation Foundation, Inc. is hereby authorized to received a Public Benefit Funding application for 2003 funds in lieu of the Williamsville Business Association, and be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MR. RANZENHOFER moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 44 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 183

Re: Consideration for Public Benefit Funding. (Intro. 9-11)

A RESOLUTION SUBMITTED BY  
LEGISLATOR MARSHALL

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

| NAME OF ORGANIZATION | RECOMMENDED AMOUNT | SPONSORS |
|----------------------|--------------------|----------|
| Town of Marilla      | \$5,000            | MARSHALL |
| Town of Alden        | \$8,000            | MARSHALL |
| Marilla Fire Company | \$5,000            | MARSHALL |
| TOTAL                |                    | \$18,000 |

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MR. RANZENHOFER moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 45 – CHAIRMAN HOLT directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 9-12 From LEGISLATOR SWANICK Re: Request for Further Investigation of Furniture Purchases.

Item 46 – MS. MARINELLI presented the following resolution and moved to receive and file. MR. DEBENEDETTI seconded. Legislators Chase, Cusack, McCarville & Ranzenhofer in the negative.

CARRIED. (11-4)

Intro. 9-13 From LEGISLATOR RANZENHOFER Re: Request for Appointment to Erie County Water Authority.

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 47 – MS. MARINELLI moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Comm. 8E-13. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 184

Re: County Clerk's Office,  
 Personnel Adjustments.

WHEREAS, the budget of the Auto Bureau of the Erie County Clerk's Office includes a position of Clerk-Typist (JG1), and

WHEREAS, the duties of the Office would be more properly reflected in the deletion of the Clerk-Typist position and the creation of position of Registrar Receptionist (JG 3), and

WHEREAS, in order to fill the position of Registrar receptionist with an appropriately qualified person, a variable minimum has been requested by the County Clerk, and

WHEREAS, sufficient funds are available in the 2004 County Budget of the Erie County Clerk's Office to implement this requested adjustment in personnel,

NOW, THEREFORE, BE IT

RESOLVED, that the position of Clerk-Typist (JG 1) in the Auto Bureau Budget of the Erie County Clerk's Office is hereby deleted, and be it further

RESOLVED, that there is hereby created a position of Registrar Receptionist (JG 3) in the Registrar Division of the Erie County Clerk's Office, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the County Comptroller, the County Attorney and the Director of Budget and Management.

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

## **ADD** the following **RESOLVE** Clause:

RESOLVED, that the effective date of this personnel adjustment shall be April 5, 2004, and be it further

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

Item 48 – MS. MARINELLI moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 8E-38. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 185

Re: Central Police Services -  
 County of Niagara Agreement to  
 Provide DNA Laboratory Services.

WHEREAS, the County of Niagara, hereinafter called Niagara County, has the need of assistance in the implementation of the Niagara Sheriff's Department DNA program contract, and

WHEREAS, Niagara County has thereby selected the County of Erie, hereinafter called Erie County, to undertake work, and

WHEREAS, Erie County is willing to serve and has the necessary expertise and facilities to fulfill the needs of Niagara County, and

WHEREAS, Niagara County has authorized the expenditure of \$500,000.00 for personnel, including fringe benefits, supplies and equipment to Erie County Department of Central Police Services,

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into an agreement with Niagara County, and be it further

RESOLVED, that authorization is hereby provided to establish an account in the Central Police Services Department to implement this program, and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to make all budgetary transactions required to implement this project, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Division of Budget, Management and Finance, the Office of the Comptroller, and the Department of Central Police Services.

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

~~#~~ **DELETE** the first (1<sup>st</sup>) **RESOLVE** Clause in its entirety and **REPLACE** with the following:

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

RESOLVED, that authorization is hereby provided for the County Executive to enter into an agreement with the County of Niagara to receive \$500,000 to be utilized in the Department of Central Police Services Forensic Laboratory, and be it further

## **ADD** the following **RESOLVE** Clause as the new fourth (4<sup>th</sup>) **RESOLVE**:

RESOLVED, the Erie County Legislature shall receive quarterly updates from the Commissioner of Central Police Services concerning the number of cases received from Niagara County, and be it further

## **ADD** the following **RESOLVE** Clause as the new fifth (5<sup>th</sup>) **RESOLVE**:

Grant Fund – Department 650  
Central Police Services  
Forensic Laboratory

Revenue:

|                                |           |
|--------------------------------|-----------|
| Niagara County – Federal Grant | \$500,000 |
|--------------------------------|-----------|

Appropriation:

|  |                  |
|--|------------------|
| Account 800 – Existing Unfilled Personnel<br>(Forensic Serologist – 3 years) | \$201,500        |
| Account 801 – Overtime (for DNA Analysts)                                    | \$139,848        |
| Account 933 – Equipment  | \$ 92,000        |
| Account 814 – Supplies   | \$ 66,652        |
| <b>Total Appropriation</b>   | <b>\$500,000</b> |

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 49 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 8E-50. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 186

Re: SAP – New Position in the  
Comptroller's Office.

WHEREAS, the go-live date of the County's Enterprise Resource Planning project is rapidly approaching, and

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

WHEREAS, the Comptroller's Office has been asked to take on the additional responsibilities of "business owner" for several important functional areas, including Cash and Debt Management, and

WHEREAS, the Comptroller's Office is not presently staffed with appropriate resources to properly meet those expanded responsibilities as they relate to Implementation and on-going maintenance of this function, and

WHEREAS, in order to meet those additional responsibilities it is necessary to create one new position in the Comptroller's Office, Senior Accounting Analyst, job group 13, and

WHEREAS, funds for this position are available in Account 932, Office Equipment, in the Comptroller's 2004 operating budget;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to create one Senior Accounting Analyst position, job group 13, in the Office of the Comptroller, and be it further

RESOLVED, that the following budget adjustments are approved: Increase personal services in the Comptroller's Office \$48,914 (DAC 110 914 120 800); Increase fringe benefits in the Comptroller's Office \$15,379 (DAC 110 914 120 805); Decrease Account 932, Office Equipment, in the amount of \$64,293 (DAC 110 914 120 932) in the Comptroller's Office 2004 budget, and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Joel A. Giambra, Comptroller Nancy A. Naples, Director of Budget, Management & Finance Joseph Passafiume and Personnel Commissioner John Greenan.

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

## ATTACH the B100.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 50 – MS. MARINELLI moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 8E-16. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

RESOLUTION NO. 187

Re: DSS – Grandparents Advocacy Program.

WHEREAS, the Department of Social Services is seeking authority to enter into a contract with Neighborhood Legal Services to fund the Grandparents Advocacy program, and

WHEREAS, the program is operated by Neighborhood Legal Services in conjunction with Mid-Erie Counseling and Treatment Services and the Erie County Family Court, and

WHEREAS, the program provides advocacy, legal representation and supportive services as needed to promote the retention of children by caretaker relatives, and

WHEREAS, the Grandparents Advocacy Program was founded in September 2002 and New York State funding has now been discontinued, and

WHEREAS, the County is able to contract for these services for the remainder of 2004 at no local share due to the availability of in-kind donated services dedicated to the program by Neighborhood Legal Services

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are authorized to enter into an agreement with Neighborhood Legal Services for the Grandparents Advocacy Program, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2004 Adopted Budget:

Department of Social Services, Department 200, Fund 120

| <u>ACCOUNT</u> | <u>DESCRIPTION</u>                 | <u>INCREASE/<br/>(DECREASE)</u> |
|----------------|------------------------------------|---------------------------------|
| 830-361        | Neighborhood Legal Services        | <u>\$99,167</u>                 |
|                | Total Expenditures                 | <u>\$99,167</u>                 |
| 606            | State Aid – Services to Recipients | <u>\$99,167</u>                 |
|                | Total Revenues                     | <u>\$99,167</u>                 |

and be it further

RESOLVED, that because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 51 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

RESOLUTION NO. 188

Re: Transfer of Public Benefits Funds.  
(Intro. 9-14)

A RESOLUTION SUBMITTED BY LEGISLATORS MARINELLI, DUSZA, KUWIK, SCHROEDER, SMITH, WROBLEWSKI, RANZENHOFER, CHASE, CUSACK, MARSHALL, MCCARVILLE, SWANICK, AND WEINSTEIN

WHEREAS, the Legislature set aside funds in the 2004 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$265,2000 from the 2004 Legislature- Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants- Public Benefit Services (110921301830) for payment to the following agencies:

| <u>NAME</u>                                     | <u>LINE</u> | <u>AMOUNT</u> | <u>SPONSOR</u> |
|---|-------------|---------------|----------------|
| Parkside Community Association of Buffalo, Inc. | 830/1881    | \$10,000      | MARINELLI      |
| Depew/ Cheektowaga Taxpayers Association, Inc.  | 830/0704    | \$1,500       | DUSZA          |
| Village of Sloan (Senior Services)              | 830/1673    | \$1,000       | SCHROEDER      |
| Doyle Volunteer Hose Company No.1, Inc.         | 830/0963    | \$1,000       | SCHROEDER      |

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

|  |          |          |   |
|--|----------|----------|---|
| Town of Tonawanda Youth, Parks and Recreation                      | 830/0745 | \$15,000 | MARINELLI   |
| Hamburg Eden Animal Rescue Team (H.E.A.R.T)                        | 830/1569 | \$6,000  | RANZENHOFER,<br>CHASE, WEINSTEIN,<br>MCCARVILLE,<br>CUSACK, &<br>MARSHALL                         |
| City of Tonawanda (Police Department)                              | 830/0467 | \$3,000  | SWANICK   |
| Kenmore- Town of Tonawanda Chamber of Commerce                     | 830/1256 | \$2,500  | SWANICK   |
| Cheektowaga Chamber of Commerce                                    | 830/0646 | \$3,000  | RANZENHOFER   |
| City of Tonawanda (Court)  | 830/0467 | \$5,000  | SWANICK   |
| Amherst Youth Foundation, Inc.                                     | 830/1454 | \$2,000  | WEINSTEIN   |
| St. Teresa's Roman Catholic Church                                 | 830/1830 | \$1,000  | SCHROEDER   |
| Arts In Education Institute of Western New York, Inc.              | 830/0922 | \$1,000  | DUSZA   |
| Amherst Public Library   | 830/0156 | \$25,000 | WEINSTEIN   |
| Amherst Public Library   | 830/0156 | \$7,500  | CUSACK  |
| Musical Fare Theatre   | 830/1565 | \$7,500  | CUSACK  |
| African Cultural Center of Buffalo, Inc.                           | 830/0380 | \$21,500 | SMITH   |
| Langston Hughes Institute, Inc.                                    | 830/0227 | \$2,000  | SMITH   |
| Masten Neighborhood Human Services Corporation<br>JUESENDO Program | 830/0285 | \$46,000 | SMITH   |
| Buffalo Arts Studio  | 830/1033 | \$1,000  | SMITH   |
| Boys and Girls Clubs of Buffalo, Inc.                              | 830/0546 | \$2,000  | SMITH   |
| Group Ministries, Inc.   | 830/1401 | \$2,000  | SMITH   |
| Village of Sloan (Recreation Department)                           | 830/1542 | \$2,000  | SCHROEDER   |
| University Heights Community Development Association, Inc.         | 830/0346 | \$1,500  | SMITH   |
| Hamburg Natural History Society                                    | 830/0951 | \$3,000  | KUWIK   |
| Lackawanna Community Boxing, Inc.                                  | 830/1332 | \$1,000  | KUWIK   |
| Kenmore Town of Tonawanda Meals on Wheels, Inc.                    | 830/1328 | \$5,000  | MARINELLI   |
| City of Lackawanna (Recreation Department)                         | 830/1410 | \$3,500  | KUWIK   |
| City of Lackawanna (Fire Department)                               | 830/0930 | \$2,000  | KUWIK   |
| Cradle Beach Camp, Inc.  | 830/1594 | \$10,000 | CHASE, MCCARVILLE,<br>WEINSTEIN, CUSACK,<br>MARSHALL,<br>RANZENHOFER,<br>WROBLEWSKI, &<br>SWANICK |
| Literacy Volunteers of America/ Buffalo and Erie County, Inc.      | 830/0344 | \$10,700 | RANZENHOFER,<br>CHASE, WEINSTEIN,<br>MCCARVILLE,<br>CUSACK AND<br>MARSHALL                        |
| Frederick Chopin Singing Society                                   | 830/0280 | \$4,000  | DUSZA   |
| Lancaster New York Opera House, Inc.                               | 830/0365 | \$20,000 | MARSHALL  |
| City of Tonawanda Fire Department                                  | 830/0467 | \$5,000  | SWANICK   |
| Meals on Wheels of Buffalo & Erie County, Inc.                     | 830/1355 | \$6,000  | CHASE, MCCARVILLE,<br>& CUSACK  |

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

|   |          |                  |                             |
|---|----------|------------------|-----------------------------|
| Southtowns Walleye Association of W.N.Y, Inc.                               | 830/0967 | \$4,500          | CHASE, MCCARVILE & MARSHALL |
| Amherst Symphony Orchestra Association                                      | 830/0654 | \$4,000          | CUSACK & WEINSTEIN          |
| Erie County Council for the Prevention of Alcohol and Substance Abuse, Inc. | 830/1517 | \$2,000          | WEINSTEIN                   |
| Williamsville East High School PTSA   | 830/1417 | \$1,000          | WEINSTEIN                   |
| Cheektowaga Patriotic Commission  | 830/0420 | \$1,500          | DUSZA                       |
| City of Lackawanna D.A.R.E  | 830/1143 | \$5,000          | KUWIK                       |
| Matthew Foster Foundation   | 830/     | \$5,000          | MARSHALL                    |
| St. Timothy Park Villa Housing Development Fund Company, Inc.               | 830/     | \$2,000          | SWANICK                     |
|   |          |                  |                             |
| <b>TOTAL</b>  |          | <b>\$265,200</b> |                             |

And be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Crystal L. Quick-Public Benefit Administrator; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2004 budgeted funds

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 52 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Comm. 9E-84 From THE COUNTY EXECUTIVE Re: Letter to the County Attorney Re: Audit of Furniture Purchases.

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

Item 53 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro. 9-15 From LEGISLATOR MARINELLI Re: Local Homeland Security – Support for the Rehabilitation of the Town of Tonawanda Fire Tower Training Facility.

Item 54 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

Comm. 9E-85 From LEGISLATOR HOLT Re: Letter to County Executive Re: Establishing a Legislative Committee to Review Furniture Purchase policies and procedures.

RECEIVED, FILED & PRINTED.

April 28, 2004

The Honorable Joel A. Giambra  
County Executive  
County of Erie  
95 Franklin Street  
Buffalo, NY 14202

Dear County Executive Giambra:

In response to your letter dated April 21, 2004, I am writing to inform you that pursuant to Section 3.02 of the Erie County Legislature Rules of Order, I am exercising my authority as Chairman of the Erie County Legislature to convene a special committee to investigate the policies and procedures that led to the County Division of Purchase overpaying Buffalo Office Interiors (BOI) \$513,810.

I am troubled by Comptroller Nancy Naples' findings regarding these purchases. Her audit found that had the County administration utilized the State list, the BOI furniture purchases would have cost the taxpayers \$802,463 less than what the County actually paid BOI, and that the County paid BOI \$196,641 for furniture, carpets and tile "without valid purchasing bid contracts existing for these items." The Comptroller's audit stated "there was a failure by the Division of Purchase to ensure taxpayer dollars were spent in a cost effective manner... equally significant, there was a failure by BOI to honor the terms of their bid contracts."

**MEETING NO. 9**

**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

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Most critically, the Comptroller's audit reported that there was a failure of County purchasing procedures and guidelines, including the lack of legislative approval for the de facto standardization of County office furniture. Comptroller Naples recommended that the Director of Purchase and County Attorney initiate steps to "recoup overpayments made to BOI" and "create and implement review procedures to ensure the County is paying the best possible price for materials."

The highest duty of the Erie County Legislature is to protect the interest of the taxpaying public. As such, this Honorable Body's role as fiscal guardian demands that this body review the policies and procedures concerning purchases made by the County.

Accordingly, I will shortly convene a special committee of legislators to review the policies and procedures of the Division of Purchase. I expect that the committee will work with and coordinate with the County Comptroller as well as the New York State Comptroller to investigate this matter and to create new policies and procedures to ensure such a violation of the public trust does not happen again.

Thank you in advance for your cooperation with this inquiry. We look forward to your full and complete cooperation and assistance.

Sincerely,

George A. Holt, Jr.  
Chairman

Item 55 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MS. MARINELLI seconded.

GRANTED.

Comm. 9E-86 From MINORITY CAUCUS Re: Letter from Legislator Ranzenhofer Re: Appointment of Emilio Colaiacovo to the Erie County Bar Association Aid to Indigent Prisoners Society, Assigned Counsel Program Board of Directors.

RECEIVED, FILED & PRINTED.

April 28, 2004

Hon. Kevin Kelley  
Clerk, Erie County Legislature  
25 Delaware Avenue  
Buffalo, NY 14202

Re: Appointment of Emilio Colaiacovo to the Erie County Bar Association Aid to Indigent Prisoners Society, Assigned Counsel Program Board of Directors.

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

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Dear Mr. Kelley:

As Minority Leader of the Erie County Legislature, I am honored to appoint Emilio Colaiacovo to the Board of Directors of Erie County Bar Association Aid to Indigent Prisoners Society, Assigned Counsel Program.

Thank you.

Very truly yours,

Michael H. Ranzenhofer  
Erie County Legislature  
4th District

cc: Robert D. Lonski, Esq.  
Erie County Bar Association Aid to  
Indigent Prisoners Society  
Assigned Counsel Program  
670 Statler Towers  
Buffalo, NY 14202

Michael Flaherty, Esq.  
Bar Association of Erie County  
438 Main Street, 6th Floor  
Buffalo, NY 14202

Emilio Colaiacovo, Esq.  
Bouvier, O'Connor  
350 Main Street, Suite 1400  
Buffalo, NY 14202

April 16, 2004

Hon. Michael Ranzenhofer  
Minority Leader  
Erie County Legislature  
25 Delaware Avenue, 7<sup>th</sup> Floor  
Buffalo, NY 14202

Dear Legislator Ranzenhofer:

As you may know, the Minority Leader of the Legislature recommends the appointment of one person to the Board of Directors of the Erie County Bar Association Aid to Indigent Prisoners Society, Inc., which is the governing body for the Assigned Counsel Program.

This is a one-year appointment which is made by the President of the Bar Association of Erie County, with the consent of the Bar Association's Board of Directors.

This Director must be an attorney. Currently this volunteer position is held by Hon. Michael Hudson, whose appointment is expiring at this time. You may of course recommend Judge Hudson

**MEETING NO. 9**

**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

for reappointment if you so choose. I do know, however, that he has some concerns about being reappointed on your recommendation because of his current status as a judge.

I would respectfully ask that you make your recommendation for this position at this time in writing to Michael Flaherty, Esq., President of the Bar Association of Erie County, 438 Main Street, 6<sup>th</sup> floor, Buffalo, NY 14202. I would also appreciate your copying me on your letter to Mr. Flaherty.

Thank you for your assistance concerning this matter. Please feel free to contact me if you should have any questions or if you feel that it would be helpful to discuss this matter further.

Sincerely,

Robert D. Lonski  
Administrator

RDL:rl

c: Michael Flaherty, Esq.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 56 – (Comm. 9E-1) Appointment & Distribution of 4% Sales Tax for 3/04.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM LEGISLATOR SMITH**

Item 57 – (Comm. 9E-2) Notice of Human Services Informational Meeting Held 4/15/04.

Received and filed.

**FROM THE COUNTY EXECUTIVE**

Item 58 – (Comm. 9E-3) Veto Message – Local Law Intro. No. 3-2004.

RECEIVED, FILED & PRINTED.

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

April 6, 2004

VIA HAND DELIVERY

Kevin M. Kelley, Clerk  
 Erie County Legislature  
 25 Delaware Avenue, 7<sup>th</sup> Floor  
 Buffalo, New York 14202

RE: Local Law Intro. No. 3-2004

Dear Mr. Kelley:

Pursuant to section 205 of the Erie County Charter, I am writing you to indicate my disapproval of the above-referenced Local Law Intro., a copy of which is attached.

My primary objection to this Local Law Intro. stems from the fact that, as written, it dilutes my authority to appoint a set number of committee members. This flaw raises possible referendum issues.

Secondly, I do not believe that this Local Law Intro. provides the best possible vehicle for public participation in the Charter review process; additional citizen involvement should be addressed in detail.

Thank you for your courtesies.

Very truly yours,  
 JOEL A. GIAMBRA  
 ERIE COUNTY EXECUTIVE

attachments

cc: Frederick A. Wolf, Erie County Attorney  
 Thomas P. DeMartino, Esq., Senior Executive Assistant  
 Susannah M. Bochenek, 2nd Asst County Attorney  
 (all w/attachments)

COUNTY OF ERIE  
 LOCAL LAW INTRO NO. 3- 2004  
 LOCAL LAW NO. \_\_\_\_\_ -2004

A LOCAL LAW amending, Local Law No. 1-1959, constituting the Erie County Charter as amended, in relation to the re-establishment, restructuring and reconvening of the Erie County Charter Revision Commission.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

Section 1. PURPOSE. Section 1907 of Article 19 of Local Law #1-1959 constituting the Erie County Charter, as amended, establishing a Charter Revision Commission is repealed, and a new Section 1907 hereby establishing a Charter Revision Commission for the year 2004 is established as a fully amending Section 1907 of the Erie County Charter.

Section 2. CHARTER REVISION COMMISSION. That upon the adoption of this Local Law the County Legislature hereby creates a Charter Revision Commission to be established on or before April 15, 2004.

Section 3. THE PERVIEW OF THE CHARTER REVISION COMMISSION. The Charter Revision Commission shall study the operations of the County of Erie in their full scope; and shall consider the inter-municipal relations of the County of Erie and the myriad responsibilities that the County of Erie discharges in the course of its broadly defined duties to determine whether the Erie County Charter and the Erie County Administrative Code shall be further amended to render same as an effective framework for County government, and to adopt such amendments as may be necessary to facilitate the delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various Cities, Towns and Villages within the County. The Charter Revision Commission shall submit a final report, which shall include its findings, conclusions, and recommendations for appropriate action to the County Legislature and the County Executive on or before the 15 h day of April, 2005.

Section 4. METHODOLOGY OF OPERATION. The Commission shall be provided with adequate funding for staff and costs incident to the discharge of its responsibilities as may be deemed necessary by the Erie County Legislature in the furtherance of its assigned duties.

Section 5. MEMBERSHIP. The Charter Revision Commission shall be composed of 23 members with one (1) member to be appointed by each District Legislator of the Erie County Legislature. The County Executive of the County of Erie shall appoint three (3) members, and the County Clerk, County Comptroller, County Sheriff, and the County District Attorney of the County of Erie shall have one appointee each to the Commission. In addition to the other designated appointment, the Chair of the Erie County Legislature shall also appoint the Chairperson of the Charter Revision Commission.

No member of the Commission shall hold public office or be an employee of the County during the term of his/her appointment.

Section 6. REPORTS AND RECOMMENDATIONS. The County Legislature shall act on all reports and recommendations submitted to it in a timely fashion by the Charter Revision Commission by either approving or disapproving each recommendation separately within three (3) months from the date of the submission of the findings, conclusions and report of the Commission.

A Public Hearing was held on the foregoing Local Law Intro. No. 3-2004 on Tuesday, April 6, 2004, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this 6 day of April, 2004.

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

JOEL A. GIAMBRA  
ERIE COUNTY EXECUTIVE

FROM THE COUNTY EXECUTIVE

Item 59 – (Comm. 9E-4) Veto Message – Local Law Intro. No. 8-2003.

RECEIVED, FILED & PRINTED.

April 6, 2004

VIA HAND DELIVERY

Kevin M. Kelley, Clerk  
Erie County Legislature  
25 Delaware Avenue, 7<sup>th</sup> Floor  
Buffalo, New York 14202

RE: Local Law Intro. No. 8-2003 Dear Mr. Kelley:

Pursuant to section 205 of the Erie County Charter, I am writing you to indicate my disapproval of the above-referenced Local Law Intro., a copy of which is attached.

My first objection stems from the fact that the sales tax revenue figure and other revenue that must be set forth in the proposed budget cannot be forecast properly until approximately three-fourths of the year has passed. Accordingly, given this forecasting issue, it would be impossible to meet the time frame as set forth in this Local Law Intro.

Objection number two relates to the strictures imposed on us by the State's own budget processes. At present, the State routinely passes its budget beyond its April deadline (a deadline that may soon be officially extended to May). Our County proposed budget cannot be refined until we have a clear idea of the monies coming to us from the State. Given these facts, this Local Law Intro., which sets earlier deadlines for the County proposed budget, cannot stand, for it would institute an unworkably short period during which State information could be analyzed and digested.

My final objection is managerial. The County engages and contracts with consultants and advisors throughout the year. Their terms of engagement are committed after the passage of an annual County budget and usually their work is completed within the same fiscal year. It would create undue hardship and reduce the timeframe for these paid consultants to complete their tasks upon which the County may rely in the budget process.

Thank you for your courtesies.

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

Very truly yours,

JOEL A. GIAMBRA  
 ERIE COUNTY EXECUTIVE

attachments

cc: Frederick A. Wolf, Erie County Attorney  
 Joseph Passafiume, Dir., Div. of Budget, Mgmt and Finance  
 Thomas P. DeMartino, Esq., Senior Executive Assistant  
 Susannah M. Bochenek, 2nd Asst County Attorney  
 (all w/attachments)

COUNTY OF ERIE  
 LOCAL LAW NO. \_\_\_\_-2003  
 LOCAL LAW INTRONO. 8-2003

A LOCAL LAW amending, Local Law No. 1-1959, as amended, constituting the Erie County Charter Section 1802 thereof; and the Erie County Administrative Code Section 18.02 Sub. f with respect to the duty of the Erie County Executive to submit a budget and capital program to the Erie County Legislature.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. Short title. This Local Law shall be known as the "Erie County Budget Disclosure Act" and shall amend, as hereinafter specified Section 1802 of the Erie County Charter and Section 18.02 Sub. f of the Erie County Administrative Code.

Section 2. Legislative Intent. The Erie County Legislature hereby determines that the people of Erie County have the right to know the contents of and fiscal implication of County Executive's tentative budget for the ensuing fiscal year, and the extent of the capital program to ensure fiscal accountability.

Section 3. Provisions. The following provisions shall be inserted to amend the Erie County Charter and the Administrative Code to the extent of the provisions hereinafter set forth.

- (A) On or before the 15<sup>th</sup> day of October of each year the County Executive shall submit to the County Legislature a tentative budget for the ensuing fiscal year, a capital program for the next six (6) fiscal years, and an accompanying message.
- (B) Henceforth upon the enactment of this Local Law on or before the 15<sup>th</sup> day of October the County Executive shall submit the tentative budget (including both the operation and maintenance budget and the capital budget) for the ensuing year and the capital program for the ensuing six (6) fiscal years, together with an accompanying message to the County Legislature.

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

Section 4. Publication. The Clerk of the Erie County Legislature is hereby authorized and directed to cause a copy of the foregoing Local Law to be published in the County's official newspapers.

Section 5. Effective Date. This Local Law shall take effect immediately upon the filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

A Public Hearing was held on the foregoing Local Law Intro. No. 8-2003 on Tuesday, April 6, 2004, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this 6 day of April, 2004.

JOEL A. GIAMBRA  
ERIE COUNTY EXECUTIVE

FROM CHAIRMAN HOLT

Item 60 – (Comm. 9E-5) Copy of Letter to Legislators Requesting Support to Override County Executive's Veto of Local Law Intro. 8-2003.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 61 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 189

Re: Appointment to ECSO No. 1 Board  
of Managers. (Comm. 9E-6)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Mr. Edward Paolini, PE at 17 Canfield Terrace, Orchard Park, New York 14127 to the Erie County Sewer District #1 Board of Managers for a term to expire December 31, 2005.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 62 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

RESOLUTION NO. 190

Re: Appointment to ECSD No. 2 Board  
of Managers. (Comm. 9E-7)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Mr. James A. Carr, PE at 60 George Urban Boulevard, Cheektowaga, New York 14225 to the Erie County Sewer District #2 Board of Managers for a term to expire December 31, 2005.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 63 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 191

Re: Reappointment to ECSD No. 3  
Board of Managers. (Comm. 9E-8)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Mr. Damian Wiktor at 7206 Tricia Lane, Boston, New York 14025 to the Erie County Sewer District #3 Board of Managers for a term to expire December 31, 2005.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**FROM LEGISLATORS SWANICK & McCARVILLE**

Item 64 – (Comm. 9E-9) Letter to County Attorney & Health Commissioner Re: Court Decision Regarding Jimmy Mac's Restaurant.

Received and referred to the HUMAN SERVICES COMMITTEE.

**FROM CHAIRMAN HOLT**

Item 65 – (Comm. 9E-10) Request for Public Meeting of Energy & Environment Committee for Purpose of Interviewing Candidates for ECWA Board of Commissioners.

RECEIVED, FILED & PRINTED.

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

April 14, 2004

The Honorable Raymond K. Dusza  
Chairman, Energy and Environment Committee  
Erie County Legislature  
25 Delaware Avenue  
Buffalo, NY 14202

Dear Legislator Dusza:

I am in receipt of letters from several individuals expressing their respective candidacies for and interest in appointment to the Erie County Water Authority Board of Commissioners.

Pursuant to Section 5.01 of the Erie County Legislature Rules of Order, I request that you schedule a public meeting of the Energy and Environment Committee within the next fifteen (15) days for the purpose of interviewing the candidates. You will receive copies of all letters submitted to date, and thereafter will receive copies of any new requests as they are submitted, up to the date of your meeting.

Please remember to provide at least five (5) business days notice to the members of the Legislature and the public of your public meeting.

Thank you in advance for your time and attention in this matter. If you have any questions concerning this matter, please contact William Benfanti at 858-8815.

Sincerely,  
George A. Holt, Jr.  
Chairman

FROM LEGISLATOR DUSZA

Item 66 – (Comm. 9E-11) Notice of Public Meeting of Energy & Environment Committee  
Held 4/23/04.

RECEIVED, FILED & PRINTED.

April 15, 2004

Kevin Kelley  
Clerk  
Erie County Legislature  
25 Delaware Avenue  
Buffalo, NY 14202

RE: INFORMATIONAL MEETING – APRIL 23, 2004

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

ENERGY AND ENVIRONMENT COMMITTEE

Dear Mr. Kelley:

As Chair of the Legislature's Human Energy and Environment Committee, I hereby announce my intention to hold an INFORMATIONAL MEETING of the Committee on **Friday, April 23, 2004 at 2:00 pm** in the Legislature's Chambers.

The purpose of the meeting will be to interview candidates for appointment as Commissioner of the Erie County Water Authority

Please notify legislators and the public of this meeting.

Thank you for your courtesies.

Sincerely,  
Raymond K. Dusza  
Chairman  
Energy and Environment Committee

FROM THE COMPTROLLER

Item 67 – (Comm. 9E-12) Audit – Division of Purchase – Office Furniture Procurement for 1/1/01 – 12/31/03.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 68 – (Comm. 9E-13) Letter to Chairman Holt Re: Local Law Intro. No. 8-2003.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 69 – (Comm. 9E-14) Buffalo/Erie County Parks Consolidation Proposal.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM CHAIRMAN HOLT

Item 70 – (Comm. 9E-15) Notice of Informational Meeting of Legislature Held 4/26/04.

Received and filed.

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

FROM LEGISLATOR DUSZA

Item 71 – (Comm. 9E-16) Copy of Letter to Candidate for Appointment to Board of Commissioners of ECWA.

Received and filed.

Item 72 – (Comm. 9E-17) Copy of Letter to Candidate for Appointment to Board of Commissioners of ECWA.

Received and filed.

Item 73 – (Comm. 9E-18) Copy of Letter to Candidate for Appointment to Board of Commissioners of ECWA.

Received and filed.

FROM THE COMPTROLLER

Item 74 – (Comm. 9E-19) SAP – General Ledger Processing – Key Dates for Cutover.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 75 – (Comm. 9E-20) SAP – Accounts Payable Processing.

The above two items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR DEBENEDETTI

Item 76 – (Comm. 9E-21) Copy of Letter to Comptroller Re: Risk Retention Fund.

Item 77 – (Comm. 9E-22) Copy of Letter to Budget Director Re: Risk Retention Fund.

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 78 – (Comm. 9E-23) Request for Formation of Special Committee of Legislature to Investigate County Furniture Purchase Process.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

**FROM THE COMPTROLLER**

Item 79 – (Comm. 9E-24) Audited Financial Statements & Management Letter for ECC Fiscal Year Ended 8/31/03.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM LEGISLATOR DUSZA**

Item 80 – (Comm. 9E-25) Copy of Letter to Candidate for Appointment to Board of Commissioners of ECWA.

Received and filed.

**FROM THE COUNTY EXECUTIVE**

Item 81 – (Comm. 9E-26) ECSD No. 1 – French Road Sanitary Sewer Rehab – Award of Contract (7E-27).

Received and filed.

**FROM THE COMPTROLLER**

Item 82 – (Comm. 9E-27) Copy of Letter to ECWA Commissioners Re: Auto Accident 1/23/04.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM CHAIRMAN HOLT**

Item 83 – (Comm. 9E-28) Copy of Letter to Sheriff Requesting Copy of 2002 Study of Cooperation Between EC Sheriff & Buffalo Police.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 84 – (Comm. 9E-29) Copy of Letter to NYSDEC Re: Brownfield Opportunity Areas Program.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 85 – (Comm. 9E-30) Copy of Letter to Sheriff Re: Overcrowding at EC Holding Center.

Received and referred to the PUBLIC SAFETY COMMITTEE.

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

Item 86 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 192

Re: Appointment to ECWA.  
 (Comm. 9E-31)

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded

CARRIED UNANIMOUSLY.

⌘ **ATTACH** the following:

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Mr. Frank E. Swiatek of 22 Ely Road, Depew, New York 14043 to the Erie County Water Authority, for a three-year term to expire April 27, 2007.

We, the undersigned, representing a majority of the members of the Democratic Party in the Erie County Legislature, do hereby nominate for appointment as a member of the Erie County Water Authority **FRANK E. SWIATEK, 22 Ely Road., Depew, New York 14043**, to fill a three-year term expiring April 27, 2007.

Edward J. Kuwik  
 1<sup>st</sup> District

Mark J. F. Schroeder  
 2<sup>nd</sup> District

George A. Holt, Jr.  
 3<sup>rd</sup> District

Albert DeBenedetti  
 6<sup>th</sup> District

Raymond K. Dusza  
 8<sup>th</sup> District

Timothy M. Wroblewski  
 9<sup>th</sup> District

Lynn M. Marinelli  
 11<sup>th</sup> District

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER & SWANICK. (AYES 9, NOES 6).

CARRIED.

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

Item 87 – (Comm. 9E-32) Health – WNY Coalition for Diabetes Prevention 4/1/03 – 9/30/04.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 88 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 193

Re: Exterior Capital Project Completion  
at Shea's Performing Arts Center.  
(Comm. 9E-33)

WHEREAS, Shea's Center for the Performing Arts, a National Historic Landmark, provides a very significant cultural and entertainment role that is essential to the vitality of the downtown Buffalo Theatre District, as well as to the economic vitality of Erie County and the region; and

WHEREAS, in order to restore and enhance the exterior of this historic landmark without causing undue burden on the finances of the Shea's Performing Arts Center, the Shea's O'Connell Preservation Guild (Shea's Guild), the not-for-profit organization responsible for Shea's Center for the Performing Arts, established a "Providing a Secure Future Campaign" to secure from various public and private sources the funds necessary to complete the required exterior historic restoration and rehabilitation of this landmark theatre; and

WHEREAS, the Shea's Guild has requested \$500,000 in capital support from Erie County in order to complete its "Providing a Secure Future Campaign", and these County funds, in combination with funds from other sources, will be used to complete the final exterior restoration project at this historic landmark that soon will be owned by Erie County, as well as allow the Shea's Guild to reach its funding match goal for the this capital campaign; and

WHEREAS, it will be stipulated in the Erie County-Shea's O'Connell Preservation Guild Agreement regarding such \$500,000 that the Shea's Guild will no longer apply for County operational support for a period of seven years,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement to provide funds to the Shea's O'Connell Preservation Guild for the purposes noted above, and such agreement will stipulate that the Shea's Guild will no longer apply for County operational support for a period of seven years, and be it further

RESOLVED, that the Erie County 2004 Capital Budget is hereby amended to establish the Shea's O'Connell Preservation Guild – "Providing A Secure Future Campaign" Capital Project in the amount of \$500,000, and be it further

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

RESOLVED, that the source of funding for this project shall be \$500,000 in available funds from Tobacco Trust Proceeds; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the County Comptroller; the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; the Mayor of the City of Buffalo, located at 65 Niagara Square, Buffalo, NY 14202; and to Anthony C. Conte, President, Shea's O'Connell Preservation Guild, located at 646 Main Street, Buffalo, NY 14202.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 89 – (Comm. 9E-34) District Attorney – Drug Treatment Diversion Program Grant.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 90 – (Comm. 9E-35) Exclusive Revocable Permit to Town of Aurora.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 91 – (Comm. 9E-36) Grover Cleveland Golf Course Irrigation System.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 92 – (Comm. 9E-37) Health – Contract with Berkshire Farm Center & Services for Youth.

Item 93 – (Comm. 9E-38) Health – Subcontract with RX Solutions International.

Item 94 – (Comm. 9E-39) – Health – Refugee Supplemental Vaccine Program 1/1/04 – 6/30/06

Item 95 – (Comm. 9E-40) – Health – Supplemental Aid to Localities Grant Medical Examiner's Toxicology Lab 4/1/01 – 12/31/04.

Item 96 – (Comm. 9E-41) – Health – Establishment of a Fee-for-Service Rate – Reader.

Item 97 – (Comm. 9E-42) – Health – Public Health Lab – Budget Modification.

Item 98 – (Comm. 9E-43) – Health – Supplemental Aid to Localities Grant – Medical Examiner's Toxicology Lab 4/1/01 – 12/31/04.

The above seven items were received and referred to the HUMAN SERVICES COMMITTEE.

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

Item 99 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 194

Re: CPS – Designation of the E-911  
Public Safety Answering Point to  
Receive all Wireless 911 Calls.  
(Comm. 9E-44)

WHEREAS, the volume of emergency 911 calls made on cellular telephones, a/k/a Wireless 911 calls, has steadily increased with the vast increase in the use of cellular telephones by the general public, and

WHEREAS, since 1992, Wireless 911 calls made on AT&T, Cricket, Cingular, Sprint and T Mobile cellular telephones from within Erie County have all been automatically routed for appropriate emergency dispatching and response to the E-911 Public Safety Answering Point [PSAP] operated by the Erie County Department of Central Police Services [CPS] within the City of Buffalo Police Department Headquarters Building, while Wireless 911 calls made on Verizon & Nextel cellular telephones have been automatically routed to the PSAP which is operated by the New York State Police out of its Clarence Barracks, and

WHEREAS, pursuant to the provisions of County Law § 330, which became effective in 2002, Erie County is empowered to designate the one or more than one PSAP to receive Wireless 911 calls in Erie County, and

WHEREAS, rather than continuing to have more than one PSAP receive Wireless 911 calls, CPS has recommended that all Wireless 911 calls be automatically routed to and received by a single PSAP in Erie County, namely, the E-911 PSAP operated by Erie County CPS within the City of Buffalo Police Department Headquarters Building, and

WHEREAS, the New York State Police are on-record as being in-support of the CPS recommendation that Erie County designate the E-911 PSAP operated by Erie County CPS within the City of Buffalo Police Department Headquarters Building as the one PSAP in Erie County to receive all Wireless 911 calls and the elimination the New York State Police as the operator of a PSAP for Wireless 911 calls in Erie County, and

WHEREAS, in connection with the advent of Enhanced Wireless 911 Service, to include Automatic Number Identification [“ANI”] and Automatic Location Information [“ALI”] for Wireless 911 calls, as mandated by Order(s) of the Federal Communications Commission, and the estimated costs to be incurred for such enhanced service, the E-911 PSAP operated by Erie County CPS within the City of Buffalo Police Department Headquarters Building is eligible to receive expedited deployment funding for such costs pursuant to the provisions of County Law § 333, and

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the application by Erie County CPS to the New York State 911 Board for such expedited deployment funding is to consist of an Enhanced Wireless 911 Plan and said plan must include a resolution of the Erie County Legislature in support of the request for expedited deployment funding.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby designates the E-911 PSAP operated by Erie County CPS within the City of Buffalo Police Department Headquarters Building as the one and only PSAP in Erie County to receive all Wireless 911 calls, and be it further

RESOLVED, that this Legislature finds that the Buffalo, N.Y., Erie County 911 Center complies with the standards of the New York State 911 Board in 21 NYCRR Parts 5200, 5201, 5202, and 5250 and will, following the acquisition of the items for which Expedited Deployment Funding is requested, comply with the Board's standards under 21 NYCRR Part 5203, and be it further

RESOLVED, that the Erie County Legislature hereby makes known its support for the application for expedited deployment funding to be submitted by Erie County CPS to the New York State 911 Board, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to prepare and provide certified copies of this resolution to the County Executive, the Commissioner of Central Police Services, the Budget Director, the County Comptroller and the County Attorney.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 100 – (Comm. 9E-45) – ECSDs Nos. 1, 4 & 5 – Fox & Company – Buffalo – Change Order No. 1.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 101 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 195

Re: Collective Bargaining Agreement  
 Between EC Sheriff PBA, EC & the  
 Sheriff for 1/1/03 – 12/31/04.  
 (Comm. 9E-46)

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the County of Erie, the Erie County Sheriff and the Erie County Sheriffs Police Benevolent Association ("PBA") have reached an agreement covering working conditions, including wages and fringe benefits, for those employees of Erie County who are members of the collective bargaining unit represented by the PBA and who are employed in the Erie County Sheriffs Office; and

WHEREAS, said agreement provides for a two-year contract for the period from January 1, 2003 through December 31, 2004, for the purposes of wages and health care negotiations;

NOW, THEREFORE, BE IT

RESOLVED, that the attached amendments to the January 1, 2000 through December 31, 2002 collective bargaining agreement between the County of Erie and the PBA are hereby approved, except as otherwise specified and agreed to, and shall remain in full force and effect until December 31, 2004; and be it further

RESOLVED, that said retroactive salary increases be extended to all eligible employees covered by said Agreement who are on the active payroll as of the date of approval of this Resolution; and be it further

RESOLVED, that said negotiated health insurance benefits be extended to all eligible employees covered by said Agreement; and be it further

RESOLVED, that effective May 1, 2004 the health insurance benefits negotiated in the collective bargaining agreement are amended to provide single provider health insurance coverage for eligible employees; and be it further

RESOLVED, that effective May 1, 2004, eligible employees who retire under this Agreement shall have a single provider for health insurance; and be it further

RESOLVED, that the health insurance benefits negotiated in this Agreement shall be applied to all eligible former employees who retired on or after January 1, 2003; and be it further

RESOLVED, that the County Executive be authorized to enact said Agreement; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Erie County Sheriff, Personnel Department, Division of Labor Relations, Division of Budget, Management and Finance, and the Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

Item 102 – (Comm. 9E-47) – Probation & Youth Detention – Division of Criminal Justice Services Challenge Grant Project.

Item 103 – (Comm. 9E-48) – District Attorney – Operation Impact Grant.  
The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

Item 104 – (Comm. 9E-49) – DPW – Buildings & Grounds Compliance with City Building Ordinance – Staff Adjustments.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 105 – (Comm. 9E-50) – DPW – Peak Load Curtailment Program - Various NYSERDA Grants & NYISO Participation.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 106 – (Comm. 9E-51) – Appropriation for Forensic Lab Testing Equipment.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 107 – (Comm. 9E-52) – Sewerage Management – Personnel Request.

Item 108 – (Comm. 9E-53) – ECSD No. 1 – Union Road Pumping Station & Force Main Project – Bid Opening.

Item 109 – (Comm. 9E-54) – ECSD No. 6 – Personnel Request – 2004 Budget.

Item 110 – (Comm. 9E-55) – Consolidation of Sewer Services Agreement Between Blasdell & ECSD No. 3 / Southtowns Sewage Treatment Agency; URS – Change Order No. 2.

The above four items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 111 – (Comm. 9E-56) – District Attorney – Victim/Witness Assistance & Child Advocacy Program Grants.

Item 112 – (Comm. 9E-57) – District Attorney – Federal Family Violence Prevention Services Act Grant.

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

Item 113 – (Comm. 9E-58) – DPW – Agreement with NYSDOT – Hopkins Road From Klein Road to the Bridge Over Ransom Creek, Town of Amherst.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

Item 114 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 196

Re: Authorization to Underfill the  
Position of Director of Contract  
Compliance. (Comm. 9E-59)

WHEREAS, the previous Director of Contract Compliance in the Erie County Community Coordinating Council on Children & Families Grants has moved into another County position, and

WHEREAS, the current Assistant Director of Contract Compliance will be promoted to the position of Director of Contract Compliance, and

WHEREAS, adequate funds are not available within the grant budget to pay the new Director of Contract Compliance at the step 5 he is entitled to, and

WHEREAS, this employee has agreed to an underfill at step 3 within the same job group,

NOW, THEREFORE BE IT,

RESOLVED, that the County Executive is hereby authorized to underfill the position of Director of Contract Compliance within the Erie County Community Coordinating Council on Children & Families grant at a step 3, and be it further

RESOLVED, that the County Executive, the Commissioner of Personnel, and the Director of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate these personnel adjustments, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Comptroller, the Director of Budget Management & Finance, and the Commissioner of Personnel.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 115 – (Comm. 9E-60) – Parks – Grover Cleveland Irrigation Systems & Akron Falls Bridge Rehab.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 116 – (Comm. 9E-61) – Buffalo & Erie County Public Library – Main Branch Phase 1 & 2 Renovation Plan Implementation.

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 117 – (Comm. 9E-62) – Parks – Golf Course Revenue Increase – Rentals.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 118 – (Comm. 9E-63) – Botanical Gardens Implementation of Master Plan – A/E Agreement.

Item 119 – (Comm. 9E-64) – Ralph Wilson Stadium – 2004 Capital Rehab Projects.

The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 120 – (Comm. 9E-65) – Budget – 2003 Year End Budget Balancing Amendments.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 121 – (Comm. 9E-66) – Health – EMS – Transfer of Funds.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 122 – (Comm. 9E-67) – DPW – Buildings & Grounds – Personnel Adjustments

Item 123 – (Comm. 9E-68) – ECMCC – Access Road Waterline Replacement.

The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 124 – (Comm. 9E-69) – Appointment to Erie County Cultural Resources Advisory Board.

RECEIVED, FILED & PRINTED.

April 26, 2004

The Honorable  
Erie County Legislature  
25 Delaware Avenue  
Buffalo, New York 14202

Re: Appointment to the Erie County Cultural Resources Advisory Board (CRAB)

Honorable Members:

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

Pursuant to Article III, Section 3.02(f) of the Erie County Charter and Article 19, Section 19.01 of the Erie County Administrative Code, I hereby appoint the following individual to the Erie County Cultural Resources Advisory Board for the term noted below.

NAME & ADDRESS

Carole Allen Evitts  
34 Cobblestone Lane  
Williamsville, NY 14221

TERM EXPIRATION

December 31, 2005

Very truly yours,  
JOEL A. GIAMBRAERIE  
COUNTY EXECUTIVE

JAG/jda

cc: Appointee  
Commissioner Laurence K. Rubin

Item 125 – (Comm. 9E-70) – Appointment to Erie County Traffic Safety Advisory Board.

RECEIVED, FILED & PRINTED.

April 26, 2004

The Honorable  
Erie County Legislature  
25 Delaware Avenue  
Buffalo, New York 14202

Re: Appointment to Erie County Traffic Safety Advisory Board

Dear Honorable Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Article 43, New York Vehicle and Traffic Law, Section 16-12, do hereby appoint the following individual to the Traffic Safety Advisory Board, for the term stated.

NAME AND ADDRESS

Mr. Daniel A. Herberger  
8280 Country Road  
East Amherst, New York 14051

TERM EXPIRATION

December 31, 2006

Respectfully submitted,  
JOEL A. GIAMBRA  
ERIE COUNTY EXECUTIVE

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

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JAG/jda

cc: Appointee  
John Sullivan, Director, Erie County Stop DWI

Item 126 – (Comm. 9E-71) – Parks – Margaret L. Wendt Foundation Grant.

Item 127 – (Comm. 9E-72) – Parks – Proposed Agreement within WNY Umpires' Association.

The above two items received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 128 – (Comm. 9E-73) – Establishing a New Grant for Governor's Traffic Safety Breath Alcohol Testing Instruments.

Item 129 – (Comm. 9E-74) – EMS – Acceptance of Award from NYS Emergency Management Office to Continue Citizens Corporation Council For Erie County.

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

Item 130 – (Comm. 9E-75) – Rental Payments Related to a Non-Drilling Oil & Gas Lease on Erie County Forestry Lands in the Town of Sardinia.

Item 131 – (Comm. 9E-76) – 2004 NACO Indoor Air Quality Model County & Coalition Grant Program.

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 132 – (Comm. 9E-77) – Affordable Housing Agreement – Federal Home Loan Bank of NY & HSBC Bank USA.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 133 – (Comm. 9E-78) – PILOT for Elmwood Avenue Square Apartments – 505 Elmwood Avenue, City of Buffalo.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 134 – (Comm. 9E-79) – Social Services – Educating Neighborhoods to Obey Those in Authority.

Item 135 – (Comm. 9E-80) – Social Services – Salvation Army Employment Services Contract.

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

The above two items were received and referred to the HUMAN SERVICES COMMITTEE.

Item 136 – (Comm. 9E-81) – Appointment to Erie County Mental Hygiene Services Board.

RECEIVED, FILED & PRINTED

April 26, 2004

The Honorable  
Erie County Legislature  
25 Delaware Avenue  
Buffalo, New York 14202

Re: Appointment to the Erie County Mental Hygiene Community Services Board

Dear Honorable Members:

I, Joel A. Giambra, County Executive of the County of Erie, pursuant to the power vested in me by Section 11-B-03 of the Erie County Charter, and as provided in Revised Article 41 of the New York State Mental Hygiene Law, do hereby appoint the following individual to the Erie County Mental Hygiene Community Services Board for the term indicated.

Appointment - At Large Member

| <u>Name</u>   | <u>Term Expires</u> |
|---|---------------------|
| Mr. Essentino Lewis<br>216 Sundown Trail<br>Williamsville, New York 14221 | December 31, 2006   |

Respectfully submitted

JOEL A. GIAMBRA  
ERIE COUNTY EXECUTIVE

JAG/jda

cc: Appointee  
Michael Weiner, Commissioner, Mental Health

Item 137 – (Comm. 9E-82) – Feasibility of District Heat Usage at County Owned Facilities.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 138 – (Comm. 9E-83) – ECSD No. 6 – Bethlehem Park Rehab Phase I – Change Order No. 1 – C. Destro Development Company.

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE DEPARTMENT OF INFORMATION AND SUPPORT SERVICES**

Item 139 – (Comm. 9D-1) – Monthly SAP/ERP Project Status Report.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 140 – (Comm. 9D-2) – Notice of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE CLERK OF THE LEGISLATURE**

Item 141 – (Comm. 9D-3) – Notice of Informational Meeting of Human Services Committee  
Held 4/15/04.

Received and filed.

**FROM ECMCC**

Item 142 – (Comm. 9D-4) – Notice of Board Meeting Held 4/06/04.

Received and filed.

**FROM THE COUNTY ATTORNEY**

Item 143 – (Comm. 9D-5) – Notice of County Executive’s Public Hearing on Local Law  
Intro. No. 2-2004

Received and filed.

**FROM ECC**

Item 144 – (Comm. 9D-6) – Notice of Trustees Meeting to be Held 4/28/04.

Item 145 – (Comm. 9D-7) – Minutes of Trustees Meeting to be Held 2/25/04.

The above two items were Received and filed.

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

FROM THE COUNTY ATTORNEY

Item 146 – (Comm. 9D-8) – Letter to Legislator DeBenedetti in Response to Request for Opinion Re: Social Services Commissioner Position.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPARTMENT OF SOCIAL SERVICES

Item 147 – (Comm. 9D-9) – Copy of Letter to Legislator Smith in Response to Information Re: Homeless at Buffalo Tourist Lodge.

Item 148 – (Comm. 9D-10) – Response to Request for Information on Adoption & Foster Care Programs.

The above two items were received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 149 – (Comm. 9D-11) – Response to Request for Info Re: Individuals & Firms Who Lobby on Behalf of Erie County.

Received and Referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 150 – (Comm. 9D-12) – Notice of Informational Meeting of Energy & Environment Committee for the Purpose of Interviewing Candidates for Commissioner of ECWA.

Received and filed.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 151 – (Comm. 9D-13) – Notice & Agenda For Trustees Meeting Held 4/22/04 & Minutes of Previous Meeting.

Received and filed.

FROM THE CLERK OF THE LEGISLATURE

Item 152 – (Comm. 9D-14) – Notice of Informational Meeting of Legislature Held 4/26/04.

Received and filed.

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

**FROM BUDGET, MANAGEMENT & FINANCE**

Item 153 – (Comm. 9D-15) – Response to Request for ECMC Financial Information.

Item 154 – (Comm. 9D-16) – Response to Request for ECMC Financial Information.

The above two items were received and referred to the FINANCE & MANAGAMENT COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 155 – (Comm. 9D-17) – Notice of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM ECMCC**

Item 156 – (Comm. 9D-18) – Notice of Board Meeting to be Held 4/29/04.

Received and filed.

**FROM THE COUNTY ATTORNEY**

Item 157 – (Comm. 9D-19) – Copy of Letter to Comptroller Re: Audit of Office Furniture Purchases.

Received and referred to the FINANCE & MANAGAMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM BRIGHTON FIRE DISTRICT NO. 5**

Item 158 – (Comm. 9M-1) – Letter Opposing 800 Mhz Radio System as Proposed.

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM SENATOR VOLKER**

Item 159 – (Comm. 9M-2) – Receipt of Resolution.

Received and filed.

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

**FROM THE EC MENTAL HYGIENE COMMUNITY SERVICES BOARD**

Item 160 – (Comm. 9M-3) – Notice of Special Board Meeting Held 4/8/04.

Received and filed.

**FROM SENATOR VOLKER**

Item 161 – (Comm. 9M-4) – Receipt of Resolution.

Received and filed.

Item 162 – (Comm. 9M-5) – Receipt of Resolution.

Received and filed.

**FROM ECIDA**

Item 163 – (Comm. 9M-6) – Notice of Board Meeting Held 4/14/04.

Received and filed.

**FROM THE NYS DEPARTMENT OF AGRICULTURE & MARKETS**

Item 164 – (Comm. 9M-7) – Law 303-b: Land Owner Requests for Inclusion of Predominantly Viable Agricultural Land in an Agricultural District.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM ECWA**

Item 165 – (Comm. 9M-8) – Audited Financial Statements for Year Ending 12/31/03.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM GOVERNOR PATAKI**

Item 166 – (Comm. 9M-9) – Notice of Appointment of Director of ECMCC.

Received and referred to the HUMAN SERVICES COMMITTEE.

**FROM THE BUFFALO COMMON COUNCIL**

Item 167 – (Comm. 9M-10) – Certified Resolution Re: Request to Amend the NYS Public Authorities Law.

**MEETING NO. 9****April 28, 2004****ERIE COUNTY LEGISLATURE**

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 168 – (Comm. 9M-11) – Certified Resolution Supporting Expansion of Renewal Communities.

Received and filed.

**FROM THE TOWN OF ORCHARD PARK**

Item 169 – (Comm. 9M-12) – Notice of Public Hearing.

Received and filed.

**FROM CONGRESSMAN QUINN**

Item 170 – (Comm. 9M-13) – Receipt of Resolution.

Received and filed.

**FROM THE NFTA**

Item 171 – (Comm. 9M-14) – Operating Budget Fiscal Year Ending 3/31/05 & 5 Year Capital Plan.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE EC ENVIRONMENTAL MANAGEMENT COUNCIL**

Item 172 – (Comm. 9M-15) – Notice of Meeting Held 4/20/04 & Minutes of Previous Meeting.

Received and Filed.

**FROM GOVERNOR PATAKI**

Item 173 – (Comm. 9M-16) – Notice of Appointment of Director of ECMCC.

Received and referred to the HUMAN SERVICES COMMITTEE.

**FROM THE NYS POWER AUTHORITY**

Item 174 – (Comm. 9M-17) – Notice of Niagara Relicensing Web Updates.

Received and Filed.

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

FROM CONGRESSMEN QUINN

Item 175 – (Comm. 9M-18) – Receipt of Resolution.

Received and Filed.

FROM SENATOR RATH

Item 176 – (Comm. 9M-19) – Receipt of Resolutions.

Received and Filed.

FROM THE NY POWER AUTHORITY

Item 177 – (Comm. 9M-20) – Notice of Updates to Public Information File for Niagara Project.

Received and Filed.

FROM MARK PATTON

Item 178 – (Comm. 9M-21) – Request for Consideration for Appointment to ECWA Board of Commissioners.

Received and Filed.

FROM CATHERINE CREIGHTON

Item 179 – (Comm. 9M-22) – Request for Consideration for Appointment to ECWA Board of Commissioners.

Received and Filed.

FROM GEORGE HASIOTIS

Item 180 – (Comm. 9M-23) – Request for Consideration for Appointment to ECWA Board of Commissioners.

Received and Filed.

FROM THE BUFFALO FISCAL STABILITY AUTHORITY

Item 181 – (Comm. 9M-24) – Notice of Meeting Held 4/21/04.

Received and Filed.

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

**FROM THE EC BAR ASSOCIATION AID TO INDIGENT  
PRISONERS SOCIETY ASSIGNED COUNSEL**

Item 182 – (Comm. 9M-25) – Report of Assigned Counsel Program – 1<sup>st</sup> Quarter 2004.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE NYS DEPARTMENT OF AGRICULTURE & MARKETS**

Item 183 – (Comm. 9M-26) – Notice that Erie County Agriculture District No. 9 is Eligible for Districting.

Received and Filed.

**FROM HORMOZ MANSOURI**

Item 184 – (Comm. 9M-27) – Request for Consideration for Appointment to ECWA Board of Commissioners.

Received and Filed.

**FROM THE NYSDOH**

Item 185 – (Comm. 9M-28) – Health Consultation – Public Comment Draft for Off-site Residential Properties Former NL Industries Site, Depew NY.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM NYSDEC**

Item 186 – (Comm. 9M-29) – Fact Sheet – Indoor Air Quality – Mr. C's Dry Cleaners, East Aurora.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE TOWN OF AMHERST**

Item 187 – (Comm. 9M-30) – Certified Resolutions – County Highway Work Maple Road & North Forest Road.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

**FROM THE SROKA FAMILY**

Item 188 – (Comm. 9M-31) – Letter Re: Widening Intersection of North Forest & Maple Roads.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM VOICE BUFFALO**

Item 189 – (Comm. 9M-32) – Statement of Support for Assemblymember Hoyt's EC Compact Act.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM FRANK SWIATEK**

Item 190 – (Comm. 9M-33) – Request for Consideration for Appointment to ECWA Board of Commissioners.

Received and Filed.

**FROM SENATOR VOLKER**

Item 191 – (Comm. 9M-34) – Receipt of Resolution.

Received and Filed.

**FROM BUFFALO COMMON COUNCIL**

Item 192 – (Comm. 9M-35) – Certified Resolution Re: Violence in Buffalo Public Schools.

Received and Filed.

**FROM SENECA COUNTY BOARD OF SUPERVISORS**

Item 193 – (Comm. 9M-36) – Certified Resolution Re: Opposition to Legislation Relating to Regulation of Residential Septic Systems.

Received and Filed.

**FROM JOHN V. ELMORE**

Item 194 – (Comm. 9M-37) – Request for Consideration for Appointment to ECWA Board of Commissioners.

**MEETING NO. 9**  
**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

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Received and Filed.

**MEMORIAL RESOLUTIONS**

Item 195 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Marie V. Richardson.

Item 196 – Mr. Dusza requested that when the Legislature adjourns, it do so in memory of Stanley Jasinski.

Item 197 – Mr. Dusza requested that when the Legislature adjourns, it do so in memory of Dan Sales.

Item 198 – Mr. Schroeder requested that when the Legislature adjourns, it do so in memory of Sgt. David McKeever.

Item 199 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Mr. Rocco Porcillio.

Item 200 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Mr. Edward Hosey.

Item 201 – Mr. Holt requested that when the Legislature adjourns, it do so in memory of Alice Millsap.

Item 202 – Mr. DeBenedetti requested that when the Legislature adjourns, it do so in memory of Mr. Benjamin Bookfinder.

Item 203 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Walter Strauss.

**ADJOURNMENT**

Item 204 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. MARINELLI moved that the Legislature adjourn until 2 p.m. Thursday, May 13, 2004.  
MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

**MEETING NO. 9**

**April 28, 2004**

**ERIE COUNTY LEGISLATURE**

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The Chairman declared the Legislature adjourned until Thursday, May 13, 2004 at 2 p.m. Eastern Standard Time.

**KEVIN M. KELLEY  
CLERK**